

## **Acknowledgement**

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In the formulation of the report, I also owe debts to all those organizations and individuals, forming a part of the human rights movement, who have, though some guardingly and others more candidly, provided rich insights, without which the report would undoubtedly have taken a different direction. Many of these individuals are quite prominent in political life and relatively immune to persecution, and in any case are willing to assume risks. Some would surely appreciate recognition.

I would specially like to thank Mr. Suhas Chakma of ACHR for letting me cite various data and examples from his reports. The acknowledgement is also due to a number of sources which I have referred and cited but for the paucity of space their names must have figured prominently in the list. None the less I am extremely grateful to them to have provided in innumerable forms, so crucial for this study. The whole PAIRVI team helped me prepare the manuscript, and I am grateful for their able assistance. For his comments on individual chapters or the entire manuscript, I am indebted to Mr. Ajay K. Jha, Director, PAIRVI. His insights and suggestions strengthened both the analysis and its presentation. Last but not the least the acknowledgement is well deserved by our state partners, well wishers and friends who have stood by us and have been a major source of information on countless issues. Any remaining errors and omissions are, of course, my responsibility alone.

**Smita Singh**  
**PAIRVI**



## Foreword

In the past sixty years, numerous binding human rights instruments have been adopted, and an array of mechanisms to monitor the observance of human rights standards at the national level have been established. It is now time to make an effort in this direction in the state as well so that these rights become a reality. This report should serve as an instrument to bring the various sections of the society together and make them commit with renewed vigour to accomplish everything that still must be done to ensure the realization of human rights.

PAIRVI, through its activities and its renewed commitment to human rights, has been playing a key role in the promotion of human rights and in the building and strengthening of state human rights capacities in our country. Realizing that the right to development is all-encompassing, demanding the realization of civil, cultural, economic, political, and social rights, PAIRVI has been also focusing on strengthening institutions of governance and democracy. By protecting these rights, the many conflicts based on poverty, discrimination, and exclusion that continue to plague humanity and undermine decades of development efforts can also be prevented.

I hope that those who study the contents of this book will achieve the objectives of PAIRVI i.e. knowledge, motivation and action at the ground level. Readers will get a comprehensive knowledge of the real situation that prevails in the state and also gain familiarity with the commitments made by the government and their respective fulfillments and will work to hold the government accountable to implement the schemes put forward. The dynamic process of reading, reflecting, identifying and solving problem sets up a dialogue between the state mechanisms and the human rights organizations' own actions. The aim of Report is to initiate an interactive process whereby the human rights workers can evaluate the situation and act accordingly --developing proactive strategies in the struggle for a dignified life.

The focus of this report is the quality of monitoring and reporting of human rights violations in Jharkhand and thus explains the importance of collecting and disseminating information on such matters in a timely, thorough manner - in order to then develop the means to combat it more effectively. Finally, having documented the scope of the continuing problem and shortcomings of the responses to it, the report sets out recommendations essential for developing and sustaining a more effective approach to combating human rights violations. This poignant expose of the human rights violations on the various communities in the state should make a compulsory reading for if not all, at least those who are working for the affected. I laud the effort made by PAIRVI which will hopefully lead to a more inclusive human rights movement in the state.

**-Mr. Harivansh**

**Chief Editor  
Prabhat Khabar**



## Foreword

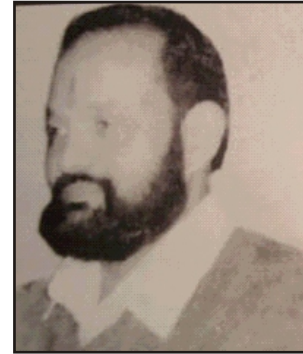
We would like to congratulate PAIRVI for producing such an extensive document on the “Situation of Human Rights” in the State of Jharkhand. The efforts employed to make this evidence based in the form of data is appreciable. The use of case studies and examples further made reading interesting.

We are sure that this would be useful for all individuals who are interested in the subject in general and to Governmental and non governmental organizations in particular. We believe, it is imperative for organizations working for and among people to raise awareness among the masses in this area and this document would definitely serve as a guide and reference for the same.

The document, along with its well spelt out recommendations would serve as a tool for advocacy and would catalyze the otherwise apathetic government to take steps to ensure the same.

With all good wishes,

**Sujeet Ranjan**  
State Program Representative  
CARE in Jharkhand



## Foreword

On behalf of PAIRVI board we take special pleasure in submitting this report to all the readers. It gives us immense pleasure to see that PAIRVI has not only strengthened its mandate over the last nine years but has also been able to live up to the expectation of its partners, well wishers and promoters. Bringing out the state reports on human rights is another initiative which PAIRVI has added into its responsibilities.

Despite the projected chimera of development, it is a poorly guarded secret that violations of human rights continue unabated. It underscores the need for human rights groups to do a “watchdog” duty. The study is a novel effort to map the human rights situations in the state and is part of a series of such studies already conducted in states of Uttaranchal, Rajasthan and Chhattisgarh. We have encouraging feedback from these states where the report has been able to generate curiosity and action with regard to the awareness of human rights *per se*, and its protection. The most important feature of these reports is that they have attempted to map the situation of economic, social and cultural rights, of which there are very few precedents. Similar reports for more states are due and we expect these reports to engender further research and empirical studies on rights situations. The basic objective remains to encourage thoughts and action on part of civil society, activists and also government towards strengthening human rights infrastructure in the country.

We congratulate the PAIRVI team for its efforts and wish them all the best in their endeavors.

For and on behalf of PAIRVI Board

Sanjai Bhatt

P M Paul

## PREFACE

The state of Jharkhand came into existence in 1999, but this did not usher in the halcyon days many had dreamt of and hoped for. Over the last few decades, governments or their agents have been responsible for blatantly violating the civil and political rights of its citizens without providing economic and social security. Human rights practices have raised concern both at the national as well as the state level. This report is an effort to narrate the story of the misery faced by the inhabitants of the state.

The report is a sequel to the previous attempts made to study the human rights situation in the states of Uttaranchal, Rajasthan and Chhattisgarh. It is designed primarily to affect the lives of the local communities and to enable them to join in developing a just and equal society. We hope that it will also assist local activists to actively participate in the national arena and collaborate with other groups of activists to achieve common goals-offering each other solidarity in support of community and regionally based actions. The focus has remained on civil and political rights and economic, social and cultural rights including the rights of the vulnerable sections in the state. Attempt as also been made to trace the naxal movement and other crucial factors which has made human existence in the state precarious.

The case studies recounted in the report are representative, and hence do not show the entire spectrum of the miseries inflicted upon the vulnerable in the state. We acknowledge that there has been more dependence on secondary data rather than primary, but the studies from wherever they come carry a lot of factual reality inferred after the rigorous process of conducting surveys and acquiring testimonies from the field, encouraging us to follow suite. Though some of the narrative may seem out dated, but we trust not irrelevant. We assume that many of the readers will know of more situations alike and hope that they will be moved to share the information with us in the areas of critical concern.

Our analysis and conclusions are critical of contemporary governments and policies they have pursued, but we do not intend the book to be hostile. The difficulties of political restructuring for all concerned are appreciated. Set patterns are not easily altered, and power is not readily surrendered, or shared, by those who hold it. Nor should it necessarily be. We note in this regard that the derogation extends beyond government alone to inadequate attention from many non governmental organizations, too.

We see this book as an unfinished effort, a mere beginning to introduce the human rights framework as a powerful tool for action. We welcome all readers to join in this process.

**Mr. Ajay K. Jha**  
**Director,**  
**PAIRVI**

# CONTENTS

<b>Executive Summary</b>	<b>pg 7</b>
<b>Human Rights; Concept and Philosophy</b>	<b>pg 11</b>
<b>Jharkhand;TheState</b>	<b>pg 15</b>
<b>Overview into the Human rights in the State</b>	<b>pg 17</b>
<b>Civil And Political Rights</b>	<b>pg 19</b>
<b>Economic,Social and Cultural Rights</b>	<b>pg 27</b>
<b>Rights Of The Marginalized</b>	<b>pg 42</b>
<b>Other Issues Of Concern</b>	<b>pg 53</b>
<b>Conclusion And Recommendations</b>	<b>pg 58</b>

# Executive Summary

The "Status of Human Rights in Jharkhand" is a suggestive study which attempts to profile the major human rights concerns in the State. The study is an exploratory research in the sense that it is the first attempt to gauge the civil, political, economic, social and cultural rights including the rights of the marginalized. The urgency of the concern overwhelmed over the appropriateness of the methodology adopted and hence though not very scientific, the study seeks to engender further debate and research on human rights conditions in the State. The objective is to provide a context and departure point to the various campaigns concerning human rights including attempts for improvement in the human rights institutions in the State. The study is largely based on secondary data from the official and non-government sources, as the constraints of time and resources made collection of primary data non-feasible.

The report suggests that the rights of the original inhabitants of the state, for whom the state was infact carved out, have been further marginalized. Crime has shown an increasing spurt due to the interplay of various factors including the naxal influence and the wide scale poverty caused by large scale displacement. The state of women and children has only worsened showing increasing trafficking for prostitution as well as domestic labour. In spite of various attempts by the civil society organizations the State Human Rights Commission has not been established in the state, although a human rights committee has been established by the government to look into the cases of human rights violations. The major findings of the report can be summarized as the follows:

## Civil and Political Rights

- Jharkhand holds the 5<sup>th</sup> rank among the states for the number of crimes committed in a year with percentage share above the all India average of 11.1%.
- Jharkhand reported an increase of about 33% in the last five years in the crimes committed against women and 35% against SC and ST.
- Several cases of false encounters by the police have been reported on the pretext of curbing the growth of Naxalism in the State.

- In the recent years Jharkhand has witnessed a sharp increase in custodial deaths. Cases of custodial death are found as a matter of routine in the Jharkhand jails.
- Apart from custody deaths there have been several known cases of violation of rights of the prisoners. Highest number of custodial rapes has been recorded in Jharkhand.
- The condition of jails in the State remained deplorable. There is an overcrowding of 195%. The jails have become a "Lucrative Industry" to loot money through musclemen. These criminals torture the other inmates to extract illicit money from their relatives.
- Jharkhand has also reported a higher percentage of pendency of cases at the end of the year for investigation by the police. It has failed to raise its own centrally funded Indian Reserve Battalion. Moreover the funds allocated for police modernization have also been diverted.
- There has been blatant violation of other civil rights such as the right to protest in the State.
- There has been indiscriminate use of Acts like POTA and ESMA by the state in violation of the basic fundamental rights of the citizens.

## Economic, Social and Cultural Rights

- The State has lagged behind in making its inhabitants socially and economically sound.
- The percentage of people living below the poverty line is highest at around 60% in the districts of Pakur and Palamu and the lowest in the districts of Deoghar and Dhanbad at around 30.
- The literacy rate is much below than the national literacy rate, the literacy rate among the female population in some areas being even below than 10 %. The educational development index of the state stands at .428, making it rank at 33.

- Jharkhand is one of the most educationally backward states. There is an average availability of one school for every two villages.
- Within India, the teacher absence rate ranges from 15% in Maharashtra to 42% in Jharkhand. The average number of teachers is even lower than 2 in the schools in this state. There is a high degree of dissatisfaction among parents concerning the performance of teachers.
- In Jharkhand the school meal programmes appear to be half-hearted, both politically and financially. Casual implementation, along with inadequate arrangements and a lack of monitoring could be reasons why the programme has failed to enthuse the teachers. Even in the areas that are deemed covered, cooked meals are not being provided everyday. The cooking cost per child per day is Rs. 2 in the state which is inadequate to meet the needs for cooking an adequate meal for children.
- Four of every 10 women in Jharkhand are undernourished. About two-thirds of women in the childbearing ages are anemic(70.4%-NFHS III) and pregnant women experience the highest levels of anemia.(68.4%-NFHS III)
- At least 50,000 children die before their first birthday. (IMR-69-NFHS III). More than three-fourths of deliveries that take place in the state are unsafe. Nearly 9 of every 10 deliveries take place at home.(19% institutional deliveries, hence 81% are those at home as per NFHS III)
- The state government has shortages of 77 referral hospitals, 18 PHC, 682 APHC and 2138 health sub centers making the state of health infrastructure in the state abysmally poor.
- Communicable diseases like Tuberculosis, Malaria and Leprosy are endemic in the State due to malnutrition caused by poverty and due to lack of safe drinking water and environment.
- The per capita availability of food grains in Jharkhand is 230 gm/day against a requirement of 480 gm/day. Only 20 per cent of the grain released through the PDS actually reaches its target, rest is sold through the black market
- 10.46% of all households in Jharkhand face seasonal food insecurity. There is assured food supply for only about three to four months in the year, i.e. in winter following the harvest in late October-early November. Food supplies tend to run short by the end of winter; the 'starvation period' begins by mid-summer, and, in many cases, continues until the end of October.
- Though the government of Jharkhand every year announces the vacancy for jobs but the unemployment has hardly decreased. According to a report, last year only 36.81% of the working population was employed while this year the employment has increased only up to 37.64% in Jharkhand. According to the latest census the per capita income of Jharkhand is about 4161 rupees, which comes to around 347 rupees (about 7 \$) per month for a person.
- In the name of development various large-scale industrial, mining, irrigation and power projects were launched in the state such as the Tata Iron and Steel Company, Heavy Engineering Corporation, Suber-narekha Dam Project, Chandil Power project etc. but the benefits arising out of these projects have only accrued to the big business houses and all that the displaced people have got is wages for providing manual labour required by these projects.
- The National Rural Employment Guarantee Act (NREGA) came into force in Jharkhand on February 2nd 2006, but little has happened beyond the distribution of job cards, itself fraught with problems. Employment generation has been very limited, and where jobs were provided, wage payments were delayed for long periods and were always below the statutory minimum.
- Inhuman conditions of work prevail in majority of the industries in Jharkhand making its inhabitants fall prey to a variety of death inducing diseases.
- In spite of the claim of the government of total eradication of bonded labour a majority of children working in the carpet industry are under bondage in the state.



## **Rights of the Marginalized**

### **Rights of Children**

- There has been an almost 50% increase in the crime rate against children in a span of five years.
- Children make up a shocking 50 percent of Jharkhand's workforce. It was also found that wages paid to the child workforce is much lower than the prescribed norm.
- Each year in April and May during the Hindu festival of Askhay Tiritiya, thousands of child marriages are performed in Jharkhand. Jharkhand, with a 61%, tops the list of states where child marriage is prevalent.
- It is noted that most of the human trafficking and bonded labour originates from Jharkhand. There are at least 2,500 to 3,000 tribal girls from all over Jharkhand who migrate to metropolitan cities every year and fall prey to the flesh trade.
- The administrative structure required by the J.J. Act 2000, has come into existence in the state, only in name. The conditions of the juveniles are deplorable. There are a huge number of juveniles languishing in observation homes in the state.

### **Women's Rights**

- Jharkhand reported an increase of about 33% in the last five years in the crimes committed against women. It stands 17<sup>th</sup> among states for crimes against women. 2,544 cases of violence against women in the state during 2005, including 753 rape cases, 293 molestation cases, 283 kidnapping cases and 257 dowry deaths were recorded.
- On comparison of the urban and the rural sex ratios, the result is quite astounding. It is quite ironical that in spite of greater literacy the urban areas have a lower sex ratio.
- In Jharkhand, witchcrafts torture is inflicted upon women. Due to ignorance and blind faith in superstitions, the woman is beaten and often murdered, if she is predicted to be Tonhi. 190 witch killings were reported in the past five years and the conviction rate is at a low of 15%.

- Women continued to be victims of sexual abuse in Jharkhand. The total number of reported rapes per population was second to just Assam.
- Women in the State are also suffering due to socio-cultural practices relating to marriage and custodial rights, which are discriminatory against them. The socio-economic status of women in India is stated as 54.16% and that of Jharkhand is 39.38%. Women are generally married in the age group of 12-16. Tribal women do not have any property rights.
- The overall scenario of mortality and morbidity of women and children is also miserable. The women in the state face severe health problems. They mostly suffer from anemia. Almost 80% women suffer from lack of nutrition. The percentage of women with anemia is 69.
- Although the ratio of girls to boys enrolled in school for India has shown an upward trend, from 0.77 in 2001-02 to 0.80 in 2002-03 that in Jharkhand has decreased from .70 to .60.

### **Tribals' Rights**

- Tribals have been effectively marginalized and most of them have thus migrated from the region.
- Despite various laws prohibiting transfer of tribal lands to non-tribals, alienation of the tribals' lands continued unabated.
- There were 483 cases of atrocities against the tribals in the state, which amounted to 8.5% of all the crimes against the tribals in India during 2005
- The tribals of the State are vulnerable to displacement from their own land, forests and water, poor economic conditions due to seed piracy of their traditional seeds, hunger, misgovernance, police excess, indifference and partiality of the policy makers, illiteracy and poor-education facilities.

### **Rights of the Dalits and the Minorities**

- Although the government insists that they are working hard towards the upliftment of the Dalits in the country, reports show that their situation has not improved with conversion of Dalit families and the humiliation of their women on a continual rise

- The incidence of crimes against the SCs and the STs during 2003 and 2004 was 184 and 249, respectively. There was an increase of 35.33% in the crimes against them.
- The discrimination against the minorities is a part of politics in Jharkhand. The hate campaign aimed at turning the tribals against Christians and Muslims has been initiated in the state.

### **The Naxal Invasion and the absence of the third tier of the government**

- With 18 of the 22 districts in Jharkhand affected by Naxalite problem, violence by the ultras has become a major concern for both the State Government and the Centre. Jharkhand has a history of naxalite attacks, the latest being the brutal killing of JMM MP Sunil Mahato at Jamshedpur on Holi.
- The conflict between the Naxalites and the counter-Naxalites groups led to the massacre of 15 civilians and injury of six others at Bhelbadari village in the Giridih district of Jharkhand by the Naxalites. Far from catching maoists, the cops harrass one and all.
- Despite a good monsoon, farmers in Jharkhand refused to till their land due to fear of Maoists who warned them against cultivation. They put black flags on thousands of acres of land in different parts of the state before the monsoon and decreed against farming activity there.
- Jharkhand's farmers have been lured into the business of opium farming because the land is not fertile and the State faces a drought almost every year. The farmers get their share from the opium business while Maoists who smuggle it to the drug peddlers are paid hefty amounts. Police officials point out that opium cultivation has witnessed a surge in recent times after the State was carved out from Bihar in November 2000.
- Jharkhand has lost huge development funds to the tune of Rs 480 crore, allotted by the Planning

Commission, for its consistent failure to hold panchayat polls since its very inception.

- Huge amounts of funds allocated by the centre for development programs under different schemes and departments is surrendered/sent back as it is unutilized.

### **Recommendations**

- Quick action should be taken to put an end to the vicious cycle of underdevelopment and bedlam in Jharkhand which is to be mainly blamed for the growth of Naxalism in the state.
- Eliminating illiteracy should be the initial step of the government which will enhance development by increasing the number of skilled workers in the workforce and raise the standard of living of its citizens.
- Since most of the health programmes in the state are centrally sponsored programme, better monitoring and evaluation strategies is needed in order to ensure proper implementation and access to people.
- The concept of industrialization form of development should not be followed in Jharkhand for this mode has further alienated the tribals from the socio- economic processes and the institutions of governance. More attention needs to be paid to the tribal dominated districts for changing the development scenario in the state.
- Compulsory education for girls and a ban on child marriage needs to be focused upon to solve most of their problems.
- The state should create a system of community policing in the naxalites infested areas.
- Community and civil society participation should be encouraged in fields like maintaining public works, improving the environment and looking after the vulnerable sections of the society.

# Human Rights; Concept and Characteristics

By human rights we mean the rights that belong to all humans equally. Today we consider as human rights mainly those rights that are protected by universal or regional human rights conventions. Human rights conventions are legally binding international treaties between States. In the conventions the States commit themselves to guaranteeing certain rights both to their own citizens and to other people residing in their territory.

Human rights are often characterized as universal, inalienable and fundamental. The universality of human rights has two meanings. On the one hand, the universality of human rights prohibits discrimination on the grounds of sex, colour, social status or other similar characteristic. This is why the prohibition of discrimination is included in the Universal Declaration of Human Rights (Article 2) and in almost all other international human rights conventions. On the other hand, the universality of human rights refers to the global applicability of human rights. Human Rights are common to all people in all continents irrespective of cultural or economic differences.

The inalienability of human rights reflects the idea of natural individual rights that precede the State's authority. Each individual has human rights on the basis of his/her humanity. Therefore these rights can no more be taken away from him/her by a decision of the authorities than by his/her own consent. The inalienability of human rights also means that a person can not legally give over his/her human rights by selling himself/herself as a slave. Human rights are often described as the inherent rights of every individual.

The third characteristic of human rights, the fact that they are considered as fundamental, means that only the most important rights should be called human rights. Articles 1 to 28 of the Universal Declaration of Human Rights contain a list of the rights and freedoms that were considered important enough in 1948. Later developments in human rights documents have slightly broadened this list, but not to a significant degree. Some parts of the Declaration protect such rights and freedoms that have since proved difficult when adopting binding intergovernmental conventions. A refugee's right to seek and enjoy asylum, the right to a nationality and the protection of property are examples of such rights.

## Human Rights in India

In India's post-colonial democracy, the secular nation-building agenda still remains unfinished which seriously impinges on the rights of citizens, both as individuals and as members of the myriad 'minority groups'. These shifting identities have spawned ever new minority and majority groups which are mostly shaped, temporally and spatially, by the political process rather than through individual choice of the citizen. Dalits, tribals, and the hill-people, along with women, elderly people, and children are among the more abiding of the disadvantaged group-identities, more visible within the arena of electoral politics, than at the centre stage of political democracy in the context of its central concern around citizen's rights.

The contemporary universal concerns had their influence on the deliberations of India's constituent assembly, and also thereafter. But the domestic social base of the constituent assembly, representing roughly 35 per cent of the Indian population-based on property and educational qualifications, and the Congress Party ideology, influenced the final outcome of its deliberation on citizen's rights. A critical distinction was made in India's republican constitution between the first generation of human rights consisting of civil and political rights which were included in the enforceable part of its Fundamental Rights (part III) chapter, while most of the second generation of economic and social rights were restricted within the non-justiceable part of the Constitution in the chapter on Directive Principles of State Policy (part IV). Together, they constitute, what are called democratic rights in the present human rights discourse in India.

The operational salience of universal normative concerns has varied within the different sovereign States of the global system, largely shaped by the level of democratic consciousness within their respective domestic social and political base. For example, India signed the UN Covenant on Civil and Political Rights (1966), paradoxically only in 1976, in the midst of the national emergency which denied the citizens their civil and political rights enshrined in the constitution. In fact, the civil and democratic rights movement in India, as an autonomous watchdog of citizens' constitutionally guaranteed fundamental rights also began in 1976.

Through the cold war era, when human rights issues were enmeshed in the superpowers' global gamesmanship, particularly within the western strategy, the signatories to the UN covenant on civil and political rights also included many client-states of the western military alliances in the 'third world' which were ruled by varying versions of repressive, oligarchical, and military regimes. Even in the case of non-aligned India, while the UN covenant was adopted by the general assembly in 1966 after Indra Gandhi had emerged as prime minister of the country, her regime opted to sign it only 10 years later in the midst of the national emergency. This suggests that it was meant more to assuage western criticism of her emergency politics than in response to her domestic critics, most of who were in prison, their freedom of expression restricted, and the press remained censored. At any rate, the civil rights movement in India, at its origin in 1976, was too weak and defensive to constitute any serious domestic pressure-group on the emergency-regime to sign the International Covenant.

Consequently, in terms of causal linkage, while the civil rights movements in India was spawned by the domestic excesses of the emergency regime, as we would argue, the signing of the international covenant by the non-aligned Indian State, appears to be causally related to the regime's response to its liberal critics in the western democracies, in tandem with similar response of client regimes of the western alliance in the cold war era. But the parliamentary ratification of the UN covenant by the subsequent coalition regime of the Janata Party in 1979 underscores the useful catalytic role of international monitoring on such issues, as well as their salience within the post-emergency political discourse in India, even before India's formal economic globalisation through liberalisation and structural adjustment in 1991. Soon thereafter, the Human Rights Bill was introduced in the Indian parliament, creating the National Human Rights Commission in 1993. This opened new options for the fledgling movement.

For a start, political democracy in India ushered by its republican constitution, enshrining the fundamental rights of citizens, and universal adult franchise, emerged from the struggle for national liberation against alien colonial rule rather than the assertion of the rights of citizens against an entrenched indigenous ancient regime. The mainstream intellectual and political discourse of the liberation struggle had its central focus around the nation as a community, initially against colonial rule, and later also against contesting groups like Muslims, Sikhs, dalits and tribals as communities

claiming nationhood. This is in sharp contrast to the origin of liberal democracy in the western autocracies with its central focus around individual liberty. The concern for 'group rights', in western liberal democracy is of relatively recent origin, long after individual rights, as the essence of democratic governance, have been legitimised and operationally institutionalised.

The inadequate concern for the rights of individuals has manifested itself in many ways through the liberation struggle. Gandhiji's emphasis on the 'village community', rather than the individual citizens, as the basic unit of Indian democracy also underscores the point. In fact, civil liberties of individuals, within the concerns of India's liberation struggle, manifested itself as late as in the 1930s when Nehru started the Civil Liberties Union to provide legal aid to the freedom fighters accused of treason.

Notwithstanding the liberal inspiration of the founding fathers, the historical origin of the constitutional assembly, and its limited social base, constricted its deliberations from the inception on most issues, including fundamental rights. Some of the structural contradictions of the era of the all-class struggle for national liberation manifested themselves even within the constitution-making process, also on the issue of fundamental rights. For example, demands to make the provisions of the directive principles enforceable and justiciable were rejected; so were demands to include 'rights of workers', 'right to employment', and the provision for a 'secular, federal, socialist state' within the enforceable chapter on fundamental rights. The home ministry bureaucrats objected to the provision for an 'advisory board' on the exercise of executive power of preventive detention carried forward from the colonial era. The drafting committee prescribed circumstances to legitimise prolonged preventive detention. Predictably, the right to property evoked the most intense debate, with most members favouring judicial sanction to it.

But even on the final outcome of the proceedings codified in the constitution as fundamental rights, the lone communist member of the constituent assembly, Somnath Lahiry said: "These are fundamental rights from a police constable's point of view...none of the existing provisions (of colonial rule) of the power of executive have been done away with" [Desai 1986]. According to socialist leader, Jayaprakash Narayan, "The Indian Constitution is not likely to be, unless drastically amended, an instrument of full political and social democracy". In later years of its operation it drew even

sharper criticism. According to a distinguished sociologist, "The Constitution has clothed almost all the rights in the part III, embodying fundamental rights, in such phraseology that they are susceptible to diverse and contradictory interpretation. They are capable of being non-functional in the larger context of arrangements provided in other parts of the Constitution itself" [Desai 1986]. According to a legal view, "the inclusion of parallel 'preventive detention system', embodied in the constitution itself has created a situation wherein it negatives all rights provided in the preamble and part III and IV of the Constitution" [Mukhoty 1986].

Specific trajectories of human rights discourse in the Indian context include -- Civil and Political Rights, & Economic, Social and Cultural Rights. Though both of these trajectories are interconnected, they were promoted by different sets of actors (often with varying ideological affiliations) at different points in time. There has always been tension and lack of mutual appreciation between those who promoted civil liberties and the left-oriented groups who worked towards the structural transformation of socio-economic conditions and consequently of the State.

### **Civil and Political Rights**

The growing disenchantment with the Indian State that was expressed in various movements and political formations in the late-'60s and early-'70s was not tolerated by the Indira Gandhi's regime. It is in this context that the movement for civil liberties led by liberal middle class intellectuals and activists became relevant. Organisations like the People's Union for Civil Liberties (PUCL) played a significant role in initiating and promoting a new discourse on civil liberties

In the last 20 years, the movement for civil and political rights has become much more coherent and widespread. It has grown beyond a set of urban middle class liberal intellectuals to a wide and diverse socio-political base. With the increase of insurgencies in the 1980s and the consequent State suppression of separatist movements in different parts of the country, various kinds of human rights organisations -- some genuine and some as facade for underground groups -- began to appear. The massacre of the Sikh community following the assassination of Mrs Gandhi in 1984 raised serious questions about the role of the State in protecting the fundamental rights of citizens.

The rise of right-wing Hindu 'nationalist' forces, the biased stand of the State machinery, and the consequent communal violence all over the country in the last 15 years have given

rise to a different set of actors who stress on the civil and political rights of the minorities. The complicity of the State in abetting and supporting the planned violence against the Muslim community in Gujarat in 2002, where more than 1,500 people were killed and hundreds of homes and shops destroyed and looted, brought out the contradictions inherent in the Indian polity and State. But the rise of the fanatical and right-wing forces and their anti-human rights postures have, in a way, strengthened the human rights movements & helped to bring together human rights activists across the political spectrum.

### **Economic, Social and Cultural Rights**

The explicit focus on Economic, Social and Cultural (ESC) Rights is relatively new compared to civil and political rights. The emergence of ESC rights in the mainstream development agenda is in consonance with the emergence of more institutionalised and funded initiatives for poverty eradication and social development. In the initial years, many such initiatives and institutions (commonly termed non-government organisations or NGOs) began with a welfarist approach, trying to supplement or substitute the Welfare State. However, over a period of time there has been a widespread realisation of the limitations of micro-level development intervention and poverty eradication programmes that do not question the politics and policy frameworks that perpetuate deprivation. Most of the welfare/development NGOs, with foreign funding support, became either subcontractors of the dominant development models or well-meaning do-gooders who addressed the symptoms of poverty and not the socio-political conditions and structural inequalities that perpetuate poverty. It is in this context that the need to bridge the micro-level action and macro-level political and policy arenas became relevant. As a result, a number of grass root action groups and mass movements working with women, Dalits, Adivasis and the landless poor began to draw from the fundamental rights and directive principles of the Indian Constitution to pressurise and persuade the State to meet its obligation to fulfill ESC rights.

An activist judiciary has also served to expand the scope of fundamental rights to incorporate economic and social rights as well. Progressive and creative judicial intervention expanded the scope of Article 21 of the Indian Constitution which guarantees the Right to Life. These progressive judicial pronouncements were in many ways a response to the social action groups and movements that sought judicial

intervention to persuade and pressurise the government to protect and fulfill the rights of the most marginalised. Thus the emergence of ESC rights is the result of advocacy efforts by grassroots action groups and NGOs in India.

The series of World Summits, starting with the Vienna Summit on Human Rights in 1993, helped to bring ESC rights onto the agenda of many international development organisations. This in turn also resulted in many of the specialised groups organizing campaigns to promote specific rights. This includes the campaign for the fundamental right to education, which resulted in the 86th amendment to the Constitution, guaranteeing the fundamental right to education. There have been similar campaigns for the rights of self-employed women and unorganised workers, the right to universal healthcare and a number of other campaigns focusing on economic and social rights.

The emergence of the environmental and consumer movements in the 1980s paved the way for a series of new legislations and policy interventions to protect the rights of consumers and people. The resurgence of the Adivasi (tribal) movement and the increased marginalisation of the minority communities by the right-wing Hindu nationalist government have brought cultural rights into public debate and policy discourse.

Eventually one can say that if human rights are to have real meaning, they must be linked to public participation. And participation must be preceded by empowerment of the people. A sense of empowerment requires a sense of dignity, self-worth and the ability to ask questions. The sense of empowerment along with a sense of legal entitlements and constitutional guarantees gives rise to a political consciousness based on rights. A process of political empowerment and a sense of rights empower citizens to participate in the public sphere.

# Jharkhand, the State



Map of the State

The area comprising Chhotanagpur and Santhal Paragnas has provided the base on which a material culture and civilization has been erected ever since the time when the Magadhan empire grew up on the bedrock of the mineral wealth of the plateau. But the very essence of the civilization has been the exploitation of the tribals. From Bimbisara to Bindeshwari Dubey, from Sasanka to Suraj Mandal and from the Suris to the Yadavas, the rulers of the region have fattened on the wealth of Jharkhand. Its resources gave Bihar the thrust which enabled it to grow into becoming the heartland of India's prosperity. The economic dualism of the region is matched by cultural and social dualism. Centuries of interaction between the tribals and the non-tribals has not been able to create an integrated civilization. The immense mineral wealth of Jharkhand has been used by the outsiders without adequate compensation to the people of the region. Minerals and metals vital for Indian economy have been extracted from Jharkhand without proportionate benefits of development having reached it. The ecological balance of the region has been shattered by the emissions from heavy industries and commercial exploitation of forest resources. On top of that the indigenous people have been subjected to unending oppression and cultural humiliation. Forced migration, transportation to plantations and industries outside the region, chain ganging into hazardous work in mines and factories, alienation of land and the conversion of the tribals into bonded labour have been the features of the political economy of Jharkhand. The cultural assault on the adivasies has been most dramatically demonstrated by derision of their

way of life, callous neglect of their languages and traditions, domination over their religious and social mores and their subjugation by the Dikus whose incursion into the region has unleashed physical terror compounded by economic exploitation. The storm raging in the geographical heartland of India gave its way to the Jharkhand movement which ultimately culminated into the formation of the state of Jharkhand in 2000.

Jharkhand's mineral wealth in fact became a cause of immense trouble for the tribes for if it was not there, the original inhabitants still have had a hold over their motherland. The region is India's primary source of coal and iron. Bauxite, copper, limestone, asbestos, and graphite are also found there. Coal mining began in 1856, and the Tata Iron and Steel Factory was established in Jamshedpur in 1907.

## Profile of the State

Population	26909428
ST	28% of total
SC	12% of total
Per capita Income	Rs. 4161
Density of Population	338 per sq. km as per census 2001
No. of Districts	18 + 4
No. of Sub divisions	33
No. of Villages	32615 as per Census 2001
Villages Electrified	14667
Health centers	506
Schools	21386
Universities	5
Geographical Area	79.70 Lakh Hect
Cultivable Land	38.00 Lakh Hect
Net Sown Area	18.04 Lakh Hect
Net Irrigated Area	01.57 Lakh Hect
Establishment	2000-11-15
Governor	Syed Sibtey Razi
Chief Minister	Madhu Koda
Legislature (seats)	Unicameral (81)

## **Districts of Jharkhand**

Ranchi, Lohardaga, Gumla, Simdega, Palamu, Latehar, Garhwa, West Singhbhum, Seraikela, Kharsawan, East Singhbhum, Dumka, Jamtara, Sahebganj, Pakur, Godda, Hazaribagh, Chatra, Koderma, Giridih, Dhanbad, Bokaro & Deoghar

## **Geographical Position**

Most of the state lies on the Chota Nagpur Plateau, which is the source of the Koel, Damodar, Brahmani, Kharkai, and Subarnarekha rivers, whose upper watersheds lie within Jharkhand. Much of the state is still covered by forest. Forest preserves support populations of tigers and Asian Elephants. Soil content of Jharkhand state mainly consist of soil formed from disintegration of rocks and stones. The industrial city of Ranchi is its capital. The other major cities and industrial centres are Jamshedpur, Bokaro, Sindri, Giridih, Gumla, Deoghar, Hazaribagh and Dhanbad once a part of West Bengal.

## **Demographies**

Jharkhand has a population of 26.90 million, consisting of 13.86 million males and 13.04 million females. The sex ratio is 941 females to 1000 males. The population consists of 28% tribals, 12% Scheduled Castes and 60% others. There are 274 persons for each square kilometer of land. However, the population density varies considerably from as low as 148 per square kilometer in Gumla district to as high as 1167 per square kilometer in Dhanbad district.

## **Inhabitants**

Jharkhand has remained a home to a number of tribal communities since time immemorial. In fact, in some of the districts of Jharkhand, the tribal population predominates the non tribal one. Jharkhand has 32 primitive tribal groups. These are the Asur, Baiga, Banjara, Bathudi, Bedia, Binjhia, Birhor, Birjia, Chero, Chick-Baraik, Gond, Gorait, Ho, Karmali, Kharwar, Khond, Kisan, Kora, Korwa, Lohra, Mahli, Mal-Paharia, Munda, Oraon, Parhaiya, Santal, Sauria-Paharia, Savar, Bhumij, Kol and Kanwar.

The geographical area now comprising Jharkhand was previously part of Bihar. The area has witnessed migration of people from the adjoining areas of Bihar and West Bengal for last several decades. Industrial and mining centres like Jamshedpur, Dhanbad and Ranchi have attracted people from all parts of India. Hinduism, Jainism and Buddhism are the native religion while Islam and Christianity were the two religions that came in through immigrants. The tribal communities of Jharkhand have their own spiritual beliefs, commonly called Sarna. During the colonization process the tribal religious beliefs were looked down upon as pagan and inferior. Through overt and covert conversions and other influences at assimilation, the Christian missionaries have contributed much to the demolition of many of the tribal Sarna beliefs.

## **Trade and Economy**

Jharkhand's gross state domestic product for 2004 is estimated at \$14 billion at current prices. Born out of partition from Bihar in 2000, Jharkhand produces about 40% of the output of the old Bihar state. Since it is rich in minerals, the state per capita income is likely to increase in the coming years. Jharkhand is known as a rich state with talented people now called Jharkanies. It has a concentration of some of the country's highly industrialized cities such as Jamshedpur, Ranchi, Bokaro and Dhanbad. It also has several firsts in India, including:

Largest fertilizer factory of its time in India (since shut down) at Sindri

First Iron & Steel factory at Jamshedpur

Largest Steel plant in Asia, Bokaro steel plant.

Biggest explosives factory at Gomia

First methane gas well

On the other hand, it has several towns and innumerable villages with sub-standard civic amenities. Urbanization ratio is only 22.25% and the per capita annual income is only US\$ 90.



# Overview of Human Rights in the State

A tinge of sadness creeps in as we peer into the benighted condition of Jharkhand. The state, a witness to some of the most vigorous social movements, and lacking neither in physical resources nor in cultural heritage, continues to languish in poverty, apathy and doesn't even have a distinct socio-cultural identity. The disintegration of Bihar in 2000 made it clear that the painfully constructed state identities can prove to be ephemeral. Its fragments became clearly identifiable but Jharkhand did not emerge as an identity beyond the fragments. The past few years of its existence are studded by stories of economic backwardness, social inequity, electoral banditry, political cupidity, caste riots and cultural degeneration. The region has been subjected to societal stagnation, economical exploitation, and cultural degeneration under conditions of external and internal colonialism and the most brutalizing experience of a late capitalism which has acquired the bathos of senility without ever having witnessed the optimism of its youth.

## Brutalization of Humanity

Over the years, Jharkhand has witnessed serious violations of international humanitarian laws both by the law enforcement personnel and the Naxalites during 2005. An estimated 510 persons, including 210 policemen, have been killed in the last five years in Maoist/Naxalite violence.<sup>1</sup> With 18 of the 22 districts in Jharkhand affected by Naxalite problem, violence by the ultras has become a major concern for both the State Government and the Centre. Jharkhand has a history of naxalite attacks, the latest being the brutal killing of JMM MP Sunil Mahato at Jamshedpur. According to a security expert, naxal-affected Jharkhand and Chhattisgarh taken together witnessed more bomb blasts in 2006 than militancy-hit Jammu and Kashmir. In a glaring example of violation of the right to life by the Naxalites, at least 15 villagers were killed and six others injured during an attack by alleged Naxalites at Bhelbadari village under Deuri police station in Giridih district on the night of 11<sup>th</sup> September, 2005.

The violations by the security forces in the masquerade of encounter killings against the naxals has also increased during the recent years. In the period of July to September, 2006 seven alleged naxalites were killed by the police of the state.<sup>2</sup>

The prisons are overcrowded with the Jaiprakash Narayan Central Jail, Hazaribagh having 3,445 inmates against its actual capacity of 1,130 prisoners and Birsa Munda jail, Ranchi housing 3,000 convicts against its capacity of 605 by the end of 2005.<sup>3</sup> The juvenile homes are also overcrowded. The living condition of inmates of the Deoghar Remand Home for girls is “extremely deplorable and inhuman”.<sup>4</sup>

The condition of women and children is also deplorable. A rape victim and her child were auctioned for 13 cents (Rs. 6) in Jharkhand.<sup>5</sup> The law prohibits child marriage, a traditional practice that occurred throughout the country, and sets the legal marriage age for girls at 18; however, each year in April and May during the Hindu festival of Ahshay Tritia, thousands of child marriages are performed in Jharkhand.<sup>6</sup> While women are killed and tortured on the pretext of practicing witchcraft, the conditions of child labourers in the tribal belt of Jharkhand continues to be grim.

Violence against the Dalits is evidenced by the killing of four members of a Dalit family who were shot dead at Saidpur village under Kako police station area in Jehanabad Assembly constituency on the night of 6<sup>th</sup> February 2005 allegedly for exercising their franchise in the first phase of the State assembly elections on 3<sup>rd</sup> of February 2005.

## Human Development Index of Jharkhand is much lower than that of the whole India

The concept of human development embraces not just the economy but has holistic connotations. The political, cultural and social factors are given as much importance as the economic factors. Besides, a careful distinction is maintained between ends and means of development. While expansion of human options is regarded as a criterion for development, the expansion of income is treated as an essential means to it. The entire process has been made anthropocentric. The quality of life and the level of human wellbeing are difficult to measure quantitatively. However, in search of a comprehensive measure that could capture the various dimensions of human development, the United Nations Development Programme (UNDP) has developed a composite index, now known as the Human Development Index (HDI). It includes (i) longevity of life, (ii) knowledge base, and (iii) a decent material standard of living. To keep the index simple, only a limited number of

variables are included. Initially, life expectancy was chosen as an index of longevity, adult literacy as an index of knowledge and per capita Gross National Product adjusted for Purchasing Power Parity (PPP) as an index of decent life.

As compared to the pre-independence days India has done well in development in general but it ranks 115th among 162 countries in terms of the UNDP's Human Development Index (HDI) and is placed in the group of countries with 'Medium Human Development' (HDI of 0.571 in 2001). The states with lower than 0.509 HDI are Bihar (including Jharkhand), Orissa, Uttar Pradesh (including Uttaranchal) and Madhya Pradesh (including Chhattisgarh).<sup>7</sup> It is seen that the economically less developed states are also the states with low human development index.

Despite being a state with rich resources the number of people living below the poverty line is at a high of 43.96%. In the process of building its infrastructure, the state now owes a debt of Rs 160 billion and pays an interest of 14 billion for the same. More than 2 out of every 5 people cannot meet their basic needs. High poverty is reflected in all other measures of socio economic development.<sup>8</sup>

Jharkhand has the lowest literacy rate in India at 54.13%, the female literacy being at a low of 39.39%.<sup>9</sup>

The Tribals of Jharkhand continue to be victims of development projects and land alienation. Jharkhand Government had signed over 42 Memorandum of Understandings (MoU) with investors including Mittal Steel, Tata Steel, Jindal Steel and Power Company Limited since Jharkhand became a state in 2000. These projects can displace large number of Adivasis and the government has failed to rehabilitate even those displaced between 1951 and 1991, nearly half of whom were tribals. Numerous tribal movements in the State demand the protection of tribal land and property rights. Only 31% of the tribal population of 70 lakhs has been employed even as unskilled workers.<sup>10</sup>

In many parts of rural Jharkhand, a large chunk of tribal population does not have access to health care and still depended on Ojhas (exorcists), to be precise 99% of the adivasi households suffer from chronic and endemic hunger and 87% from protein deficiency. Many tribals also suffered from starvation. On 16<sup>th</sup> September, 2005 one Samal Lohra of Tilaipidi village in the Bundu block under Ranchi district in Jharkhand reportedly died of starvation. Despite repeated appeals by the deceased's son, the administration instructed the local Public Distribution System vendor to give 10 kg rice

to the family only after the death of the deceased. Moreover only 42% of the people in the state have access to safe drinking water which far less than the national average of 77%.<sup>11</sup>

In the state of Jharkhand, Panchayati Raj (PRI) is totally defunct as no panchayat elections have been held as yet. The development fund is spent without participation of the local people. Approximately 2000 crore was spent without people participation in decision making during the period of 29 months. This leaves a space for misappropriation and wrong priorities. People are not getting their right to participate in the democratic process. It remains the only state where not once elections at the panchayat or municipal levels have been held.<sup>12</sup>

Although Jharkhand spends approximately 60% of its total public expenditure on development, yet it is one of the least developed states in the country.<sup>13</sup> The table below depicts the percentage of expenditure of the total on development in some of the backward and new states.

States	2001-02	2002-03	2003-04	2004-05
<b>Jharkhand</b>	<b>63.12</b>	<b>65.45</b>	<b>59.68</b>	<b>64.84</b>
Bihar	49.18	47.65	46.04	46.04
Chhattisgarh	62.6	67.42	69.4	63.78
Uttaranchal	61.63	53.01	54.71	62.15
West Bengal	46.69	41.72	35.39	44.25
Orissa	46.48	47.38	48.75	45.59
<b>INDIA</b>	<b>54.2</b>	<b>52.2</b>	<b>52.11</b>	<b>54.13</b>

**Source: Reserve bank of India, cited in Jharkhand Development Report, 2007**

A well endowed state, with a scope of immense development, is enveloped in wide scale poverty and unemployment. Not only does the state has its rich resources which could feed mouths even beyond the boundary, but the statistics also show that the expenditure by the government on development in the state is not less than 60%. Yet penury knocks at the threshold of the majority of homes of the state. Big industries and mining centre exist or our coming up on the pretext of development whereas those who need the development our being further deprived of the little they had. The state came into existence for the sole purpose of the development of the tribals, but making a sheer mockery of the governance, it is their plight which has been the worst effected.

# Civil and Political rights

The International Covenant on Civil and Political Rights is a United Nations treaty based on the Universal Declaration of Human Rights, created in 1966 and entered into force on 23<sup>rd</sup> March 1976. Because the Universal Declaration of Human Rights contained both first-generation civil and political rights and second-generation economic, social, and cultural rights, it could not garner the international consensus necessary to become a binding treaty. Particularly, a divide developed between capitalist nations such as the USA, which favored civil and political rights, and communist nations which favored economic, social and cultural rights. To solve this problem, two binding Covenants were created instead of one: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

The International Covenant on Civil and Political Rights is monitored by the Human Rights Committee, a group of 18 experts who meet three times a year to consider periodic reports submitted by member States on their compliance with the treaty. Members of the Human Rights Committee are elected by member states, but do not represent any State. The Covenant contains two Optional Protocols. The first optional protocol creates an individual complaints mechanism whereby individuals in member States can submit complaints, known as communications, to be reviewed by the Human Rights Committee. Its rulings under the first optional protocol have created the most complex jurisprudence in the UN international human rights law system. The second optional protocol abolishes the death penalty.

## Civil and Political Rights in India

The Constitution of India has privileged civil and political rights such as right to life and liberty, equality before the law, freedom of speech and expression, association, religion, etc., by including them as fundamental rights. A number of these rights have been guaranteed for all persons, while others can be asserted by citizens only and still others are exclusive to religious and linguistic minorities. To underscore the primacy of these rights, Article 13(1) provides that 'all laws in force in the territory of India before the commencement of the Constitution, in so far as they are inconsistent with the provisions of this part shall to the extent of inconsistency be void.' And Clause (2) of the article prohibits the State from making any law which 'takes away or abridges the rights conferred by this part and any law made in contravention of

this clause shall to the extent of the contravention be void.' Rights would just be pious obligations unless remedies are provided. Articles 32 and 226 of the Indian Constitution provide such remedies. Article 32 (1) guarantees the right to move the Supreme Court by appropriate proceedings for enforcement of the fundamental rights and to further emphasise on the importance of the remedial mechanism, Clause (4) lays down that 'the right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.' Right to approach the Supreme Court for relief itself has become a fundamental right since it falls under Part III of the Constitution. The efficacy of the remedial mechanism has been further enhanced by Article 226 of the Constitution which accords power to High Courts to 'issue to any person or authority, including in appropriate cases any government, ... directions, orders or writs for the enforcement of any of the rights conferred by part III ...

## Civil and Political Rights in the State

With the formation of Jharkhand State, the following, matters were to be taken up immediately.

- Withdrawal of all cases instituted against the leaders of different social & political organisations by the state during prolonged agitation for a separate Jharkhand State.
- Taking a comprehensive rehabilitation policy with retrospective effect to adequately rehabilitate persons, families of the region, displaced for execution of different projects during the past 50 years.
- The constitution of a State Human Rights Commission, State Women Commission, State Minority Commission, and State Commission for Schedule Castes and Scheduled Tribes.
- To open the old cases of killing of Gangaram Kalundia and Bidar Nag in fake police encounters.

It seems quite sad that even after a passage of seven years, the state has failed to comply with most of the obligations which the state had bound itself with, the basic of which being the establishment of the state human rights commission. The civil and Political Rights of a state are the basic human rights which are to be guarded by the state itself. But the non establishment of a human rights commission in the state leaves a big void in the original mandate of the state which

was essentially to safeguard the human rights of the individuals in the state because till now there is no adequate forum in the state to address Human Rights violations.

**Jharkhand holds the 5<sup>th</sup> rank among the states for the number of crimes committed in a year with percentage share above the all India average of 11.1%<sup>14</sup>**

The status of crimes in a State reflects the situation of the Civil and Political Rights of the state. Thus, to understand the actual situation of these rights, it is necessary to have a look at the crime graph of the state.

**The incidence of IPC crimes in Jharkhand during 2005 was 35,175.**

**The rate of IPC crimes in Jharkhand during 2005 was 121.8.**

**The conviction rate of IPC crimes in Jharkhand during 2005 was 24.7.**

**The total number of persons arrested under the IPC in 2005 in Jharkhand was 46914.<sup>15</sup>**

In Jharkhand, the number of reported murders has increased over the period of four years from 2001 to 2005.<sup>16</sup> The table below gives the district wise statistics of the cognizable crimes committed under IPC in Jharkhand in the year 2003 and 2004.

District	2003	2004	% change in 2004.
Bokaro	2154	2194	1.86
Chaibasa	735	730	-0.68
Chatra	1038	840	-19.08
Deoghar	1582	1283	-18.90
Dhanbad	3227	3201	-0.81
Dumka	967	1008	4.24
Garhwa	985	869	-11.78
Giridih	2386	1955	-18.06
Godda	2195	2203	0.36
Gumla	769	689	-10.40
Hazaribagh	2839	2621	-7.68
E Singhbhum	2138	2956	38.26
Jamtara	476	534	12.18
Koderma	751	785	4.53
Latehar	519	456	-12.14
Lohardagga	448	432	-3.57
Pakur	526	584	11.03
Palamu	1603	1549	-3.37
Ranchi	4277	4306	0.68
Sahebganj	642	730	13.71
Saraikela	973	824	-15.31
Simdega	375	282	-24.80
<b>Jharkhand</b>	<b>32203</b>	<b>31439</b>	<b>-2.37</b>

**Source: Crime in India respective Years, NCRB**

An analysis of the above table shows us that Ranchi is the most crime prone district but the maximum increase in the crimes is in the district of Purbi Singhbhum.<sup>17</sup>

The major crime against women is rape and Jharkhand reported an increase of about 33% in the last five years. Maharashtra (141), Jharkhand (120) and Chhattisgarh (110) reported 49.5 percent of total Incest Rape cases (371 out of 750) in 2005. There has also been an increase in the percentage of incidence of crime against women and children by 16.34%. The IPC crimes against children include infanticide, rape, kidnapping and abduction, foeticide, exposure and abandonment, procurement, selling and buying of girls, forced domestic and economic duties, and other unnatural duties.<sup>18</sup>

Incidence of crime against SC and ST has increased by about 35% in Jharkhand. Under The Protection of Civil Rights Act, a total of 162 cases were reported during 2005 as compared to 11 cases in 2004 showing a steep increase of 1372.7% over 2004. Jharkhand has accounted for 98.8% (160 cases) of total such cases reported in the country. Under The SC/ST (Prev.) of Atrocities Act, a total of 1,283 cases were reported as compared to 1,175 cases in 2004, showing a considerable increase of 9.2%. Madhya Pradesh has accounted for 19.6% (252 cases) at the National level which was followed by Orissa (204) and Andhra Pradesh 196. Jharkhand and Orissa each reported the highest crime rate at 0.5 as compared to 0.1 at the national level.<sup>19</sup>

The rise in Crimes depicts vividly the situation of the rights of the inhabitants of the State. Official figures in Jharkhand indicate that murder, rape and abduction cases have gone up in the state in the past one year and there has been a spurt in crimes since 2001. In 2005, 1,574 murder cases were reported as against 1,492 in 2004 and rape cases increased from 640 in 2004 to 762 in 2005. Abduction cases have also registered a 10 percent increase in 2005 in comparison to 2004. In 2005, a total of 37,564 crime cases were registered under different heads compared to 34,022 in 2004. The number of crimes has in fact increased in the last five years. In 2001, 32,565 crime cases were registered; the figure was 32,692 in 2002 and 33,250 cases in 2003.<sup>20</sup>

Unemployment and poverty are also reasons behind the rise in crime. In Jharkhand, half the population lives Below the Poverty Line (BPL) and this could be a major force behind the rise in crimes. Another reason for the situation could be the growth of Naxalism in the State with the naxal infestation in

almost 18 out of the 22 districts. Ever since the creation of the Jharkhand State in 2000, some 200 policemen and 1,000 civilians have died in the Naxal violence.<sup>21</sup> The failure of the police and the extent of the infiltration of the naxals is well demonstrated by the recent killings of Jharkhand Mukti Morcha member of Parliament, Sunil Mahato, and three others by the naxals from close range at Bakudia in East Singhbhum district.



Mahendra Pratap Singh addressing a rally

### **Political murderers too go scot free**

The track record of the central investigating agency in handling “political murder” cases in the state is also dismal. The CBI is handling the murder cases of Shushanto Sengupta, the slain husband of Forward Bloc MLA Aparna Sengupta, Dhanbad-based coal trader Pramod Singh and former Bagoder MLA Mahendra Singh. The agency has been probing the first two cases for almost four years, while Singh's case was handed to it in February 2005. All the three cases are yet to be resolved, though. The CBI officers cited distance as the reason putting brakes on the probes into political killings in the state. Political murder cases are referred to the special crime branch of the CBI, which operates from Delhi, Luknow and Calcutta. The investigating officers from these places visit Jharkhand for a short period. So, there is no continuity in the investigation. Moreover, the investigating officers happen to be “outsiders”. Worse, the controlling officers are also stationed at far away places. They take a trip or two to Jharkhand and thereafter remote control the investigations. They are not in a position to supervise the case on a regular basis. They do it on the basis of the case diary of the investigating officers. So, the quality of the supervision also suffers.

### **When protectors become perpetrators**

The police forces from the British Rule or even before that had always been used by the Rulers and the high-ups to

suppress the democratic rights and aspirations of the common men. The history of the police administration is one of torture, repression and of implicating the innocent in false cases, killing by fake encounters and taking sides of the mafias, corrupt politicians and anti-social and such other powerful elements by protecting their interests and the illegal practices. All the police Stations are engaged in making huge collections by illicit and improper way, day after day. The majority of the policemen in the lower ranks have always been used to perform as an instrument to all these nefarious and anti people exercises, which are no less a crime.

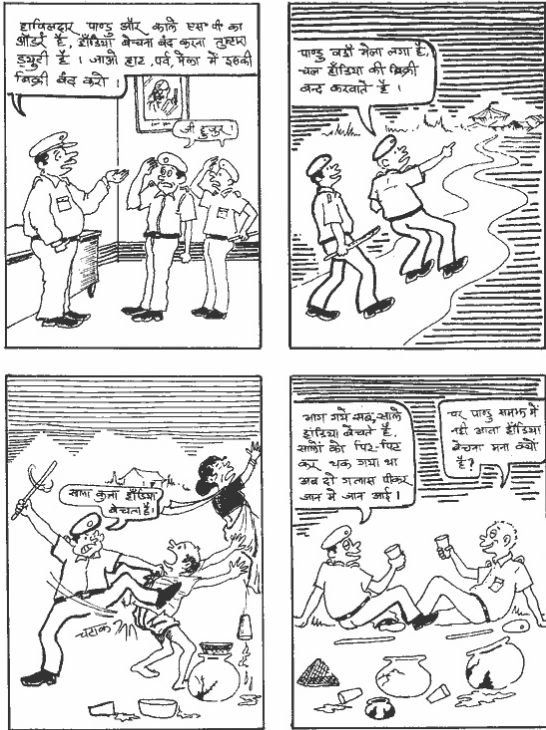
Rampant extortion by police and illegal pay offs received in this connection has spread like cobwebs and people of almost all walks of life have fallen prey to this. Usually policemen in East Singhbhum extort money from encroachers, promoters, illicit liquor traders, small time gamblers, etc and instead of curbing the wrongs, they aid in the manifold growth of these. These illegal and anti-social traders, by greasing the palms of police, strengthen their illegal business which ultimately damages the social fabric.<sup>22</sup>

Illegal practices of deliberately avoiding delivery of summons issued by the Court to the concerned persons are common in Jharkhand. However, when repeated summons fail to evoke any response and warrant is issued, police reaches the concerned person, mostly at odd hours, and extorts money under threat of immediate arrest. This illegal and abominable way has become a regular practice, which not only puts the person in stress but at the same time tarnishes the image of the judiciary.<sup>23</sup>

The rights, welfare, and justice for the poor and exploited people of the State are being disregarded. The police commit atrocities on the adivaasis (tribals), poor and the dalits. The Coal Mafia gets bail from jail, whereas the common simple folk are beaten to death in the jail by the police. When people in the village carry a sickle, the police accuse them of carrying some new deadly weapon, when someone carries a bicycle pump, they are charged with bearing an AK47 (assault rifle). When they see a young boy returning late from his tuition class, they suspect him of being a robber and lock him up in the jail.

A case relating to police harassment of the complainant along with two others was reported to NHRC. Upon consideration of a report from the Director General & Inspector General of Police, Ranchi, the Commission held that Ms. Sarita Sahu and her family members were subjected to mental agony, harassment and humiliation by the police. It recommended

## नाक्सल क्यों????????



Picture depicting police in the state

payment of Rs. 1 lakh as immediate interim relief u/s 18(3) of the Protection of Human Rights Act, 1993 to be paid by the State Government to the victim. Pursuant to the direction of the Commission, the Government of Jharkhand has issued a sanction for payment of Rs.1, 00,000/- (Rupees One Lakh only) to the complainant as “interim relief”. However, the factum of payment and the outcome of departmental proceedings initiated against the errant police officials are still awaited.<sup>24</sup>

In the recent past, several cases of false encounters by the police have been reported on the pretext of curbing the growth of Naxalism in the State. Eight dalits in Simri Banjara were killed in the name of encounter with PWG on February 2001. There have been serious human rights violations by the CRPF personnel deployed in the Naxal infested areas. The Jharkhand Mukti Morcha (JMM) and Nari Mukti Sangh have alleged police terror and excesses in dozens of villages in topchanchi and tundi blocks in the name of combing operation. The terror was evident from the fact that several villages were found deserted. Men and women had fled their homes. The JMM had also moved the National Human Rights Commission against the police action.

## Top Cop's Home Raided following Allegations of Corruption

Feb. 7, 2007

Vigilance sleuths in Patna on Wednesday conducted simultaneous raids at the houses of the Director General of Home Guard Narayan Mishra and his son in Hazaribagh in Jharkhand state after charges of disproportionate asset (DA) cases were filed against him on Tuesday.

Mishra, possibly the most high-ranked official in the state to be busted by the Bihar Vigilance Bureau after the former Patna District Magistrate Gautam Goswami, a co-conspirator in the multi-million rupees flood relief scam and the Madhepura District Magistrate Hemchandra Jha, is accused of amassing wealth and assets well over Rs. 60 lakh, substantially more than his known means of income. Officials recovered Rs. 2 lakh in cash, jewelries valued at over Rs. 7 lakh, five bank lockers, and documents indicating ownership of lands in Patna, Bhopal, and Jharkhand.

- PatnaDaily.

## Cases of Custodial Death found every other month in some of the jails of Jharkhand

There has been an increase in the deaths in police custody in the States of Andhra Pradesh, Karnataka, Kerala, Orissa, Delhi, Jharkhand and Uttranchal.<sup>25</sup> The number of complaints received by NHRC in 2004-05 from Jharkhand was 1326. Of these, intimation received about Custodial Deaths in Police Custody was 5, in Judicial Custody 66 and none in Defence/Para-military Custody.<sup>26</sup> The National Crime Records Bureau (NCRB) of the Government of India failed to record any case of death in police custody in the state during 2005. On 16<sup>th</sup> November 2005, Ali Hussain died in the custody of Palajori police station in Deogarh district after being arrested from Matiara village on the previous night. The police claimed that he committed suicide by using his shirt to hang himself from the ceiling at the custody.

In April 2005, the Human Rights Committee established by Jharkhand High Court ruled on 33 different cases of human rights violations perpetrated by the police, including the alleged custodial death of Kuldeep Singh Chero, a Scheduled Caste, in the Manatu police station in 2003. According to the petition filed before the Human Rights Committee by the Adivasi Uthan Kendra, Chero was brutally tortured in the

police station after he was arrested from his house on 21<sup>st</sup> November 2003. The petitioner alleged that the police had tried to hush up the matter. Taking cognizance of the complaint, the Committee directed Palamau Superintendent of Police to conduct a proper investigation in the alleged custodial death of Kuldeep Singh Chero.<sup>27</sup>

Saraikele jail leads the list in custodial deaths in the twin districts of Singhbhum. A study from 1995 onwards reveals that on an average one prisoner dies every alternate month. They die because of being ill fed and undernourished. Those who cannot pay are even starved. They are subjected to inhuman and cruel, physical as well as mental torture by the Jail staff and 'Dabang' criminals known as 'writer'. These 'Dabang' criminals extort money on behalf of the jail authorities. There is total absence of medical facilities. Jail doctors treat those who can pay. Doctors even give false certificates, refer the rich, and well-to-do prisoner even to outside hospital. And others are left to die without any treatment whatsoever. The worst kind of vicious circle exists in jails. The corrupt authorities collect huge sums from the prisoners. In case of custodial deaths, exchange of money goes round for 'Managing' local Police, autopsy Doctors, the executive magistrate or other investigating officer and even the video man and so on. The wicked & long arms of jail authorities can even 'manage' other high-ups who may include even Ministers. There have been cases in the past when the dead bodies of the prisoners were thrown out from Jail on the river bank for animals to feast on.<sup>28</sup>

#### ***Case of Custodial death***

Ganesh Tude (31) was lodged in jail a few months ago as an undertrial prisoner. He fell ill while in custody. Due to inhuman and unhealthy condition of Saraikele Jail and total absence of medical facilities, his condition gradually deteriorated. He was removed to Saraikele Hospital in a critical condition on 27th February 2001. The physician in Saraikele Hospital immediately referred him to MGM Medical Hospital at Jamshedpur on the same day in a condition when his death was imminent. Ganesh Tudu breathed his last on the way before any treatment could be given. On autopsy at MGM Hospital in presence of the Executive Magistrate, Sri Anjani Kumar Misra, marks of injury were visible on one side of his head and presence of blood was detected in the mouth. The dead body was disposed of without the knowledge of his family.

**-PUCL**

#### **Highest number of custodial rapes recorded in Jharkhand**

Seven cases of Custodial Rape were reported in the country during 2005. Jharkhand reported the highest 5 and 1 each case was reported from Tamil Nadu and Andhra Pradesh. 2 out of 5 cases from Jharkhand remained pending investigation at the end of 2005. 2 cases were charge-sheeted and for one case final report (FR) was submitted during the year 2005.<sup>29</sup> There have been serious allegations of the Police Department at the State for violating Human Rights. They violate custodial rights. They arrest persons at late night and keep them in custody for days together, torture them and then release them after extortion of money. Human Rights activists are not allowed to meet the persons wrongfully detained. Even if this is reported to higher authorities, it yields no result.

#### **195% overcrowding in Jharkhand Prisons**

Jharkhand had accounted for one the highest number of convicted prisoners (5,040) at the end of 2004 among the States & Uts.<sup>30</sup> It also had a huge number of undertrial prisoners in its various jails during the year 2004, at 12,447.<sup>31</sup> It recorded an overcrowding of 195%. No women jail exists in the state. As far as female convicts are concerned, the State has been reported to lodge a huge number of female convicts in its Central Jail. Jharkhand, inspite of a lot of child offenders, has just one Bristol School.

The NHRC team noticed alarmingly high overcrowding in most of the jails in Jharkhand. Health cover needed to be upgraded by providing full time doctors in all District Jails and ensuring presence of a qualified Pharmacist at each Sub-jail. The systems of parole and pre-mature release of lifers needed to be rationalized in accordance with the directions of the Supreme Court and guidelines issued by the NHRC. The system of free legal aid to the poor prisoners needed a thorough scrutiny and evaluation as a number of prisoners were found deprived of the basic right. There was a need for greater involvement of NGOs in education, recreation and welfare of prisoners. Poor living conditions for women prisoners, with hardly any medical facilities was also a matter of concern. High mortality rate of prisoners in jails was also a cause for concern. A number of instances of non-compliance with the Commission's instructions regarding the death of prisoners were detected. The arrangement of supply of food through private contractors in the judicial lockups needed a review, too.<sup>32</sup>



An Overcrowded jail in Jharkhand

In the twin districts of East and West Singhbhum of Jharkhand State, there are five jails namely Chaibasa District Jail & Saraikela Jail in West Singhbhum and Ghagidi Jail, Sakchi Jail, Ghatsila Jail in east Singhbhum. The façade of these jails as well as their inner conditions are simply unthinkable in terms of minimum human living conditions. In this regard it would be useless to talk of following the statutory jail manual, in these Jails. More over the said manual, as known to you, is more than, 100 years old. These over crowded jails, supply food to the inmates, which are not at all fit for human consumption. There is rampant corruption in the abovementioned jails and the ongoing extortion by jail mafias, from new entrants to the jail by threat and torture continues unabated. In Bumamines Remand Home, there is no provision for electricity since its establishment & even after bringing this to the knowledge of higher authority; no effort has been put to provide electricity in the Remand Home. As such there is no such scope being provided to the inmates of this home for vocational training, and the same to be arranged soon. Most of the inmates in the remand home hail from poorest of families and dont have the financial strength to arrange for necessary legal advice for bail petition but this has not been made available to them.

The prisons are overcrowded with the Jaiprakash Narayan Central Jail having 3,445 inmates against its actual capacity of 1,130 prisoners and Birsa Munda jail housing 3,000 convicts against its capacity of 605 by the end of 2005.<sup>33</sup> During 2005, at least six prisoners reportedly died in Birsa Munda Central Jail in the state capital Ranchi. Some of them died on their way to the Regional Institute of Medical Sciences (RIMS) allegedly due to inordinate delay in the process of shifting the patients. Miserable conditions prevail in the Sakchi Jail. It has become a "Lucrative Industry" to loot money through musclemen like 'Dabang' prisoners utilized by them to control the Jail. These 'Dabang' criminals torture the other inmates to extract illicit money from their relatives.

### Jharkhand at a 46.8% reported a higher percentage of pendency of cases at the end of the year for investigation by police

The States which have reported a higher percentage of pendency of cases at the end of the year for investigation by police are - Meghalaya (74.0%), Manipur (70.2%), Assam (55.0%), Sikkim (54.6%), Bihar (48.4%) and Jharkhand (46.8%).<sup>34</sup>

The state machinery through the police is generally responsible for upholding as well as safeguarding the civil and the political rights of the state. There are **85 Policemen (Civil + Armed) per lakh population in Jharkhand** followed by Uttar Pradesh (84) and Bihar (57) against the National average of 122. **The density of police personnel per 100 sq km is 30.8.** Jharkhand lacks police stations exclusively manned by women police personnel though this is the only state in the country to have women's police battalion. The strength of police has increased to a considerable extent in Jharkhand which may be due to the increase in the Naxalism in the State. But inspite of the huge numbers in the police force the crime rate has only shown an increasing trend. The State Government incurred an expenditure of Rs. 1,90,771 crore on the police.<sup>35</sup>

Jharkhand has failed to raise its own centrally funded India Reserve Battalion. Moreover the funds allocated for police modernization have also been diverted.<sup>36</sup> Computers given to police stations in the Jharkhand capital are mainly gathering dust - neither the cops have been trained to use them nor have the machines been installed. The project was planned to help keep the police updated with the crime graph and investigations into cases. Police stations were to be connected with their headquarters so that information could be available at the click of a mouse.

Some time back the police persons of the state had launched a state-wide agitation under the banner of Jharkhand Policemen's Association (JPMA) to press their demands. These demands, most of which are reasonable, remained unheeded by the Government for years. This compelled the policemen to resort to an agitation in the form of mass casual leave. The Government knowing that it cannot bring about any changes or reforms in the system, to give to the people where the law demands, has been enacting, from time to time, innumerable Acts which are anti-people and against the tenets of Human Rights, the latest being "POTA". The public has experienced enough of the misuse and abuse of TADA,



MISA and now POTA. The Government crippled its policemen by invoking Essential Services Maintenance Act. It is disturbing that the Government took vindictive action and measures against some of the office bearers of the JPMA. Such actions will not lead to any rational solutions to the existing impasse and malaise.

### ***E-crime cell rejected***

**Feb. 26**

The government recently rejected the proposal forwarded by the police department to set up a special cell to tackle cyber crime. "In response to the department's proposal, the government said it does not require a special cell to deal with cyber crime as the number of cases is still very low," said director-general of police (DGP) J.B. Mahapatra.

Sources in the home department said the government argued that a single MMS scandal in Jamshedpur, where a school girl was filmed, should not be taken as an indicator of the rise in cyber crime in the state. Another officer present at the meet, where chief minister Madhu Koda was present, said, the government was hesitant because they would have to formulate a law first to put a check on the crime.

**- The Telegraph**

### **High number of cases pending in Jharkhand courts**

While the society is holding Judiciary in high esteem and expects it to come to the rescue of those who need help dearly, the Judiciary, in fact has failed to live up to that expectation due to nepotism and its inability to punish the real culprit. It appears that even bails are granted under influence, thereby tarnishing the image of Judiciary.<sup>37</sup>



Ranchi High Court

In East and West Singhbhum of Jharkhand State there are four courts, of which two district and session courts are at Chaibasa & Jamshedpur and other lower Courts at Ghatsila and Saraikeela. The over all pictures of these Courts are no different from other Courts in India where lakhs of cases are causing immense trauma & stress for the litigants because of expensive and complex legal procedure. The poor people are unable to get justice due to this never-ending process. If a survey is conducted, it can be found out that hundreds and thousands of prisoners are languishing in jails due to their inability to bear the expense of legal battle. The only Labour Court is situated in Jamshedpur and its plight is really pitiable. Jamshedpur and its neighbouring areas being an industrial belt, the importance of Labour Courts is very important. There is no exclusive presiding officer in this Labour Court and the present incumbent has to share his duty with Dhanbad Court also. The Labour court has no executive power too.

### **Other Democratic Rights like the Right to Protest Violated**

India being the largest & the most vibrant democracy in world, its democratic fabric and rights of citizens are also expected to be of highest order. Unfortunately it is quite different story in some of the States. In Jharkhand, even holding of Dharna or any other peaceful demonstration is allowed based on its political color, caste equation and clout of its organizer with the administration. It may not be out of place to mention about some selective incidents from scores of such incidents.

CPI(ML) had organized a protest march led by Dipankar Bhattacharya to the newly formed Jharkhand Assembly. The protestors were demanding action against police officials who had killed eight Adivasi demonstrators opposing the NDA government's move to resume the controversial Koel Karo project which threatens to displace thousands of Adivasi households. The march was also protesting against a number of other incidents of unprovoked police firing. The police reaction to the demonstration was brutal: newspapers carried photographs of dozens of CPI(ML) activists lying bloody and battered, and of the police dragging away Dipankar Bhattacharya and the late Mahendra Singh (then CPI(ML)'s MLA in the Jharkhand Assembly) by their clothes and hair. For exercising their democratic rights, not only were Dipankar Bhattacharya and other activists assaulted and arrested, they were subsequently framed under fabricated charges.<sup>38</sup>

Jharkhand has become notorious for blatant violations of human rights. Apart from a spate of horrific police atrocities, Jharkhand has also witnessed disturbing cases of state-sponsored murders including those of Prashant Sahay, a spirited public interest lawyer, and MLA Mahendra Singh, the popular CPI (ML) leader and legislator. The CBI team probing Mahendra Singh's assassination has found the police guilty of violating all standard norms after the murder even as Dipak Varma, the erstwhile Superintendent of Police in Giridih and one of the prime accused in the murder case, continues to be shielded by the Jharkhand government.<sup>39</sup>



Protesters in Ranchi

### Indiscriminate use of POTA in the state

Jharkhand, India's 28th state carved out of 18 impoverished districts of Bihar in 2000, has seen the largest number of arrests under POTA. 234 people have been arrested in the state. Jammu and Kashmir, which has been plagued by terrorism, is second with 181 arrests.<sup>40</sup>

POTA has been indiscriminately used in Jharkhand on ordinary citizens, mostly illiterate tribals, and Scheduled Caste and OBC sections of the people. Minors under 18 were booked under POTA. A number of women including Adivasi Women have also been charged under POTA sections.

The youngest 'terrorist' arrested under POTA is Gaya Singh, 12, and the oldest is Rajnath Mahato, 81, both from Jharkhand.<sup>41</sup> The Jharkhand government claims that both were arrested for supporting Naxalites.

A number of youth had been named in different FIRs under POTA. They made all efforts to avoid arrests. They didn't sleep in their homes. They left their jobs or agricultural work or small business. Some left the villages and went to far off towns and pull rickshaws to eke out a living. Some hid in the nearby forests. Hundreds or even thousands of families suffered as the bread-earners of the families were not able to look after the families out of fear of arrests under POTA.

### Atrocities on the pretext of curbing Naxal Violence 05/02/2003

On 05/02/2003, Jharkhand Armed Police and CRPF together in 500 numbers according to the villagers of Khapia, Batuka and Salgaof the district of Hazaribagh cracked down upon these three villages on 29th Jan. 2002 between 4 A.M. and 12 noon. Houses were smashed. Rice, wheat reserves were spoilt. Women, children and the old were dragged out and brutally beaten for hours. Youth were tortured. They surrounded these villages stealthily from all the four corners and finally picked up 13 people including a minor boy of 15 named Shankar Karmali. All 13 were placed under POTA and jailed in Ranchi.

- A preliminary fact finding on POTA cases in Jharkhand By an all India team, Delhi

Rights groups charged that POTA had been used indiscriminately against ordinary citizens in the state, including young children. In January 2003, for example, a thirteen-year-old boy was arrested because his father was suspected of involvement with the insurgent Maoist Communist Centre group. The charges were later withdrawn.

Most of the cases under POTA were booked on innocent, illiterate, poor Adivasi, Scheduled Caste and Backward caste people in the villages. The police booked POTA cases to terrorize people. Cases which only merited sections of ordinary law have been brought under POTA. Most of the families of victims of POTA did not understand what the law was and were not able to arrange advocates also. After the formation of the new state of Jharkhand, people did not get any new facility or basic necessity or amenities but POTA was the only gift the people were forced to accept by both the central and the state governments.

The Jharkhand government had rounded up over 700 people under POTA, some of whom were schoolgirls, whose parents were too poor to bail them out. Although the draconian Act was lifted in 2004, persons booked under the act still languish in the Jharkhand jails. Be it the POTA or the ESMA, the state of the civil and political rights of the people in the state is deplorable. The rising crime graph, the inhuman conditions of jails, the police and the military excesses and various other reasons which have contributed to make the plight of the common man miserable in the state, are definitely not evidences of a civilized society. What the prevalent conditions suggest about the situation in the State is that it has receded into the past, to the time when there was the survival of the fittest.

# Economic, Social and Cultural Rights

Despite the clear recognition by the UN that human rights are universal, indivisible, interdependent, and interrelated, there are several arguments, which are sometimes raised to dissuade human rights field operations and others from paying attention to economic, social and cultural rights. For example, some argue that economic, social and cultural rights are costly, while civil and political rights are not. It might suffice to refute the facile dichotomy by pointing out that the right to a fair trial in Article 14 of the Covenant on Civil and Political Rights requires a great investment in the training of judges, prosecutors, lawyers, and other staff concerned with the administration of justice. By contrast, a Government could forbid discrimination in regard to housing without much cost.

Yet another argument is that economic, social and cultural rights are collective, while civil and political rights are exclusively individual. Again, that distinction is rather simplistic. For example, articles relating to freedom of association, freedom of religion, the rights of minorities, and other provisions in the Civil and Political Covenant protect collective rights. The right to be free from economic discrimination or to attend primary school may be claimed by individuals on the basis of the Covenant on Economic, Social and Cultural Rights.

Economic, social and cultural rights (ESCR) embody essential elements for a life of dignity and freedom, including work, health, education, food, water, housing, social security, healthy environment, and culture. Human rights provide a common framework of universally-recognized values and norms, both to hold state and increasingly non-state actors accountable for violations and to mobilize collective efforts for economic justice, political participation, and equality.

## Economic, Social and Cultural rights in India

In India grinding poverty as well as marginalization of individuals and societies continued unchecked. It was only in recent years that economic, social and cultural rights had started receiving attention, though it was still quite inadequate. The Commission therefore

needed to focus on these rights at the national and international levels. Although India's Constitution preceded the adoption of the International Covenant, it was deeply influenced by the Universal Declaration of Human Rights.

India agreed with the Special Rapporteur on the right to education that education was the key to development and the right to education was the key to the enjoyment of many other human rights. Delivering a landmark judgment in 1993, the Indian Supreme Court had said citizens of the country had a fundamental right to education, and further ruled that every child of India had a right to free education until the age of 14.

Despite its claim, India is not striving for the full realization of all rights. In actuality, India is at the forefront of efforts to undermine an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that would allow for individual complaints of violations of these rights. At the treaty level, India has not submitted a report to the UN Committee on Economic, Social and Cultural Rights for over 20 years. To date, three Special Rapporteurs (SRs) have been granted the right to visit India, on the right to food, violence against women, and freedom of religion or belief, in 2005, 2000, and 1996 respectively. All of them have had their requests ignored. The SRs on extrajudicial executions and torture have had continual requests ignored since 1993. Other SRs additional to the above, such the SRs on housing, the sale of children, and migrants, have written to the Indian government expressing various concerns, but at the time of writing, have yet to receive replies. When India pledges to “participate in reviewing and strengthening Special Procedures”, this should be kept in mind.

## Economic, Social and Cultural rights in Jharkhand

The state at present has 22 districts of which 15 are covered with field and dense forests. The rural area covers 74.29 lakh hectares and nearly 80% of population lives in villages. The literacy rate over all is 54.1% while the female literacy rate is only 39.4%. The above data reflects the effect on the health profile of Jharkhand and the life-style prevalent in these areas.<sup>42</sup>

Among the poorer states in India, Orissa has the highest population of poor 40% of its population is under poverty line. Next in line is Jharkhand, which had a marginally higher BPL population of 47.40% compared to Orissa's 47.15% in 1999-2000. In Jharkhand, in 2005, the poor constituted 34.83% of the state's population.<sup>43</sup>

State wise social sector spending on health and education as percentage of total expenditure for Jharkhand for the last three fiscal years was 47 in 2001-02, 50 in 2002-03 and 44.2 in 2003-04. The growth in the corresponding period in terms of economic indicators that constitute GDP was -13.12.<sup>44</sup>

Gross State Domestic Product is a measure of economic growth of the region. In Jharkhand the GSDP per thousand persons was 11.1 in the year 2000-2001 and 14 in the year 2004-05.<sup>45</sup>



The state of a tribal family

The table below gives the detail in percentage of the people below poverty line in the districts of Jharkhand

Districts	Ratio	Districts	Ratio
Bokaro	49.37	Hazaribagh	31.79
Chatra	31.79	Koderma	31.79
Deoghar	31.42	Lohardagga	59.27
Dhanbad	31.42	Pakur	59.27
Dumka	55.34	Palamu	59.27
Garhwa	55.34	ESinghbhum	45.74
Giridih	49.37	WSinghbhum	37.33
Godda	55.34	Ranchi	32.63
Gumla	45.74	Sahebganj	55.34

**Source: Bhandari and Dubey 2001, published in Jharkhand Development Report, 2007**

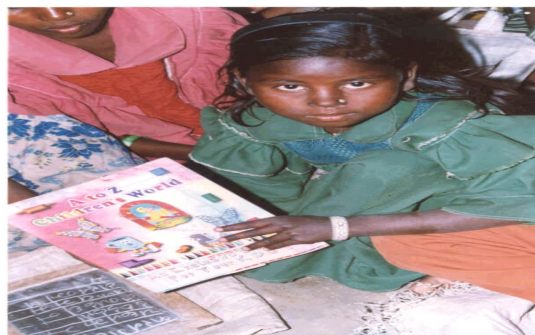
The table above shows that the percentage of people living below the poverty line is highest at around 60% in the districts of Pakur and Palamu and the lowest in the districts of Deoghar and Dhanbad at around 30%.

## Right to Education

### Jharkhand Literacy Rate: Abysmally low

The overall literacy rate in Jharkhand is 53.6%. Male literacy

rate is 67.3 % and female literacy rate is 38.9 %. There is gender gap of 28.4 %. The literacy rate is much below than the national literacy rate, the literacy rate among the female population in the some areas being even below than 10 %. There are at least 25 blocks in Jharkhand where female literacy happens to be below 20.35%, the lowest being Chinia in Garhwa Dt., with female literacy of 11.05% in 2001.<sup>46</sup>



A tribal girl in need of education

District	Literacy rate (%)	District	Literacy rate (%)
Bokaro	62.1	Hazaribagh	57.74
Chatra	43.24	Koderma	52.2
Deoghar	50.09	Lohardagga	53.58
Dhanbad	67.00	Pakur	30.65
Dumka	47.94	Palamu	44.95
Garhwa	39.21	W Singhbhum	50.17
Giridih	44.5	E Singhbhum	68.79
Godda	43.13	Ranchi	64.57
Gumla	51.74	Sahebganj	37.61

**Source: Selected Edu. Statistics 2002-03**

### One school for every two villages

Jharkhand is one of the most educationally backward states. With a total of 21,386 schools for 32,620 villages, on an average only 65 per cent of villages in Jharkhand have a school. In a typical Jharkhand village, there are around 10- 12 tolas (habitations) and the distance between the tolas is sometimes more than 5 kms. This indicates the difficulty in access faced by children in Jharkhand. There is an average availability of one school for every two villages. One high school covers 61.65 sq kms geographical area and population of 17687. At many places education has become a mere tokenism. Only people with little surplus money prefer to send their children to private schools. Education that students do receive is so basic that they are ill equipped to face competition.<sup>47</sup>

The number of pre-college institutes or schools per million people in Jharkhand in the year 2003-04 was 768. The number of higher education institutions per million people in 2003-04 in Jharkhand was 6. It has a comparatively low number of higher educational Institutions compared to other states.<sup>48</sup>

### **Lack of infrastructure makes a mockery of compulsory primary education**



Schools having inadequate capacity

There are 17,304 existing primary schools (including the upper primary and secondary schools with primary sections) in the state, which, given the low population density (338 persons per sq km) and vast geographical area (79,714 sq km) with plateaux, hills, forests and undulating lands, is woefully inadequate. Each of the primary schools on average caters to an area of 4.6 sq km. The inadequacy in the number of schools along with the poor number of teachers per school adds to the severity of the problem of the primary schooling system. Many of the schools in the rural areas are run by a single teacher while many of the schools in the urban and semi-urban areas enjoy the luxury of having an excess number of teachers. These factors coupled to others have resulted in the erratic functioning of schools despite very high levels of aspiration on the part of parents for acquiring education for their children. The percentage of children having completed primary schooling in the state in 1999-2000 was 34.17%.<sup>49</sup> The pupil teacher ratio in Jharkhand was 24 in 2003-04. The total expenditure of the government on primary and middle level education in the state per child in 6 to 14 years age group was Rs.2200 in 2002-03 and Rs.1982 in 2003-04.<sup>50</sup>

### **25 % of the children remain out of school**

There is a high level of aspiration for acquiring education among parents but it is not reflected in the actual enrolment of children in primary schools.<sup>51</sup> For the state as a whole, 25 per cent of the children of primary school-going age still remain out of school. The poor rate of enrolment is further

aggravated by poor attendance.<sup>52</sup> When are these nearly 14 lakh children in the age group of 5-14 going to be in school is a big question indeed. Eighty per cent of these children are Tribal.

### **Pupil-Teacher Ratio**

It goes without saying that the availability of teachers to pupils in schools is a significant aspect of educational development. The teacher-pupil ratio is an important indicator in adjudging the quality of education as it has a bearing on such factors as workload of teachers. Within India, the teacher absence rate ranges from 15% in Maharashtra to 42% in Jharkhand. The average number of teachers is even lower than 2 in the schools in this state.<sup>53</sup>

The Pupil-Teacher Ratio in the primary schools in Jharkhand in the year 2002 was 58.72 while that only in the rural area was 59.18. For upper primary schools it was 56.97 and in the rural areas 60.10. For Secondary schools, it was 41.61 for the whole state and in the rural areas 43.09.<sup>54</sup> The statistics present a very dismal picture.

The question of teachers' attendance is taken more seriously than the lack of basic amenities by the parents. Many of the teachers frequently remain absent from school. Absenteeism among the teachers was found to be higher in the tribal villages located in the hinterland, while teachers in schools located in the non-tribal villages were found to be more regular and punctual. Quite apart from the occasional declared or undeclared holiday, many of the teachers (particularly the men) come to school much later than the scheduled time and leave much earlier than they are supposed to do. Sleeping in the classroom, getting their bodies massaged by the children, gossiping with colleagues, are the 'tasks' most of the teachers were 'complimented' for.

### **Majority of the schools need major repairs, have no toilet facilities and drinking water .**

While inadequate infrastructure and the lack of teachers affect the quality of teaching, poverty is responsible for the alarming rates of non-enrolment, dropouts and poor attendance of pupils. Scheduled tribe children are particularly at a disadvantage as education is not imparted in their mother tongue. The state of primary education needs a multi-pronged effort to ensure its greater effectiveness. While the government can step in with incentives such as midday meal schemes, community participation in the governance of the primary schooling system has to be ensured.

### Mid-Day Meals: Poor implementation

After the apex court in August, 2003 noted with concern the poor implementation of the scheme in Jharkhand, Latehar became the first district in Jharkhand where cooked mid-day meal scheme was initiated in 200 selected primary schools comprising 20,782 enrolled students in December 2003.



A mid day meal of some tribal children

As of August 2004, the number of children covered under the cooked midday meal programme is a little over half of those enrolled during 2004-2005. Jharkhand is yet to implement the order in full. 200 schools per seven districts were to be covered. Moreover even in the areas that were deemed covered (eg. Nini centre in Lohardaga district), cooked meals are not provided everyday. The cooking cost per child per day is Rs. 2 in the state which is inadequate to meet the needs for cooking an adequate meal for children.<sup>55</sup>

### Jharkhand EDI ranks at 33.<sup>56</sup>

It is the proper functioning of primary schools that can assure the delivery of primary education. The functioning of schools depends upon the school environment, the motivation and dedication of teachers and proper supervision and monitoring by both school inspectors and local people.

While the main reason behind the poor level of learning achievement is the poor quality of teaching, there are also other important reasons identified by parents, teachers and some government and NGO functionaries. These reasons include poor implementation of incentive schemes, poor governance and supervision, the problem of the medium of instruction, lack of teachers, poor school infrastructure and amenities and so on and so forth.

There are varied perceptions about enrolment, drop-out and poor attendance rates at primary level. While some of the

parents' are unable to provide for their children's education because of their poor financial condition, many believe that the tribals and other poor communities do not really value education. The latter view is commonly found in other parts of the country as well and the causes for this undercurrent of prejudice are deep rooted.

Hunger and malnutrition are synonymous with the lives of most of the people in the area and these, in turn, compel families and their children to engage in other activities, like tending cattle, doing farm and domestic work, gathering food, etc.

There are other ethnic issues as well. The division between policy-makers/implementers and the people they are supposed to serve is drawn along ethnic lines. Non-tribal officials and teachers do not care much to hide their distaste for tribals. There is a belief prevalent that tribals are not fit for acquiring education.

### Right to Health

There is clear evidence of poor health status of people of Jharkhand. The reasons for these are multidimensional. Most of the people are based in rural areas and lack proper awareness regarding health. They do not realize the importance of health services and they neither seek nor demand health services. Girls marrying younger than 18 years of age amounts to 61.2% as per NFHS III. Poor awareness among mothers about health child care practices deteriorates the condition further. Lack of knowledge and adherence to traditional practices of healing is a great hindrance for the acceptance of modern medicines. Moreover the tribals have strong faith in their traditional belief and customs subscribing to myths and taboos.

Jharkhand has a total population of 26.9 million of which 13.9 million are males and the remaining 13 million were females.<sup>57</sup> For the period 1991-2001, Jharkhand's growth rate (23.2%) was much lower than that of its parent state of Bihar (28.4%), but above the national growth rate (21.3%).<sup>58</sup> Inter-district variations are significant and the growth rate is as high as 29% in Garhwa and Chatra districts and as low as 16% in West Singhbhum and Gumla districts. There has been a marginal decrease in the population growth rate between the periods 1981-1991 (24.0%) and 1991-2001 (23.2%); however, the growth rate in Jharkhand continues to be much higher than in many of the other states.<sup>59</sup>

If the population growth rate continues at the same level, the population size of Jharkhand will double in 32 years. There are significant variations among districts in terms of population distribution. The population density in Jharkhand has also increased considerably between 1991 and 2001 from 274 to 338 persons per square kilometer. Population density varies from a minimum of 148 persons per sq. km. in Gumla district to 1,167 persons per sq. km. in Dhanbad district.<sup>60</sup>

There are nine primitive tribal groups that are likely to become extinct if special measures are not taken to increase their population and preserve their separate identities and cultures. These primitive tribes are the Astir, Birhor, Birjia, Korwa, Mal Pahadia, Pahariya, Sauriya Pahariya, Hill Kharia, and Savar: The total population of these primitive tribes is only 207,475, which constitutes 3% of the total tribal population. Each of the tribal groups has its own culture, dialect, geographical concentration, and distinct social customs and institutions.<sup>61</sup>

The Jharkhand Government spent 3.3% of its total expenditure on Health and Family Welfare in 2003-04 and 5.8% in 2005-06.<sup>62</sup>

### **Three-fourth of women suffer from anaemia**

In Jharkhand, malnutrition and under-nourishment are severe problems because of widespread poverty. Maternal malnutrition is a major cause for concern in the state of Jharkhand. A little less than three-fourth of women suffer from anemia, a prevalence level much higher than the national average (52%). About 30% suffer from moderate to severe anemia as compared with 17% for India as a whole. 4 of every 10 women in Jharkhand are undernourished. About two-third to be precise 68.4% of women in the childbearing ages are anemic and pregnant.<sup>63</sup>

Breastfeeding is universal in the state, but few infants are breastfed immediately after birth-less than 10% in the first hour and less than one-third on the first day. Only 57.8% of the children under six-months of age are exclusively breastfed.<sup>64</sup> More than 20 % of the children in Jharkhand suffer from diarrhea -32.5% as per NFHS III and acute respiratory infections- 46.3% again as per NFHS III. Eight of every 10 children suffer from some form of anemia (77.7%).<sup>65</sup> Eight of every 10 children suffer from some form of anemia. More than half of the children (56%) suffer from moderate to severe anemia.<sup>66</sup>



**Anemic Woman and child**

Undernutrition during first two years impairs cognitive development, intelligence, strength, energy and productivity. Child malnutrition occurs entirely during the first two years and is virtually irreversible after that. Optimal feeding practices during first year of life are critical to prevent malnutrition and to ensure optimal health and development of infants and young children. 60 percent of all deaths under the age of 5 are related to malnutrition. Inappropriate feeding practices are related to 2/3rd of all under five deaths.<sup>67</sup> 13-16 percent of all child deaths can be avoided if exclusive breastfeeding was 90 percent during first six months and continued breastfeeding is practiced. Another 6 % deaths can be avoided if adequate and appropriate complementary feeding after six months for two years or beyond is provided.<sup>68</sup>

### **50,000 children die before their first birthday**

From the available sources we have the data on the crude birth rate (CBR), which is 26.5 and infant mortality rate (IMR) is 70 and the percentage of under weight children under the age 3 is 54.4.<sup>69</sup> Extrapolating this information in numbers; of 713,088 live births each year, 49,916 children die before they reach their first birthday. After taking into account the infant mortality each year, the number of survivors in one year is 663,172.

The crude birth rate (CBR) was 28.5 per 1000 population in rural areas and 19 per 1000 population in urban areas during 1999. More than half the births in the state are higher order births (three or more) and a quarter of the women have birth



Anaemic children

intervals of less than 24 months.<sup>70</sup> The maternal mortality rate in the state is 504 per 1,00,000 live birth and the fertility rate is 2.83.<sup>71</sup> The factors influencing high fertility in Jharkhand are marriage of girls at a significantly lower age, less use contraceptive methods, a large number having three or more births, lower ante-natal care and safe deliveries, high percentage of home deliveries and high IMR.<sup>72</sup>

**35.7% married women use contraception.**<sup>73</sup>

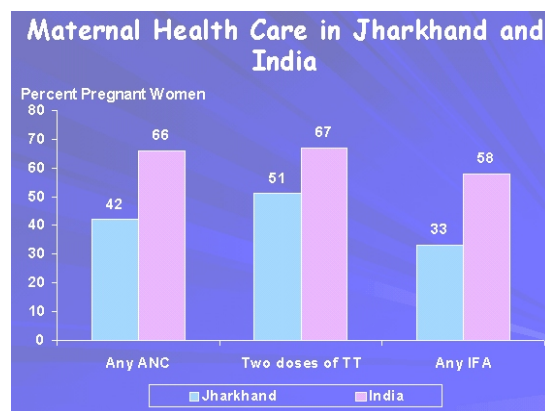
Only 35.7% of the currently married women in Jharkhand use any modern method of contraception. About 31.1% of the currently married are using any modern method of contraception compared with 22% rural women.<sup>74</sup> Less than 1% of couples use male sterilization.<sup>75</sup>

<b>Any method</b>	<b>35.7%</b>
<b>Any modern method</b>	<b>31.1%</b>
<b>Female sterilization</b>	<b>23.4%</b>
<b>Male sterilization</b>	<b>0.4%</b>
<b>IUD</b>	<b>0.6%</b>
<b>Pill</b>	<b>3.8%</b>
<b>Condom</b>	<b>2.8%</b>

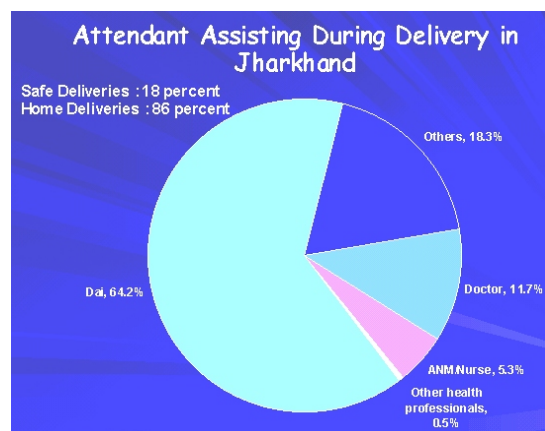
**Use of contraception (Source-NFHS III)**

**8 out of 10 deliveries takes place at home**

45% of women in Jharkhand have reproductive health problems. The women who receive any kind of antenatal



Source: CARE, Jharkhand Report



Source: CARE, Jharkhand Report

check-up during pregnancy are 52% in Jharkhand. The proportion of safe delivery is found to be lowest in Jharkhand at 19 percent.<sup>76</sup> Only one-third of pregnant women receive IFA tablets. More than three-fourths of deliveries taking place in the state are unsafe. Nearly 8 out of every 10 deliveries takes place at home.<sup>77</sup>

Less than 20 per cent of childbirths are institutional deliveries in the tribal districts of West Singhbhum (Jharkhand), the Dangs (Gujarat) and Koraput (Orissa).<sup>78</sup>

**One third Children go without immunization**

Less than 10% of the children aged 12-23 months are fully immunized (three doses of DPI and OPV, one dose of BCG and measles vaccine). About one-third of children do not receive any immunization at all. 35% of the total children are fully immunized as per NFHS III. The following table gives percentage of the children between 12 to 35 months who are fully immunized.<sup>79</sup>



District	Children 12-35 months fully immunized
Bokaro	33.45
Chatra	-
Deoghar	9.23
Dhanbad	47.81
Dumka	14.71
Garhwa	26.67
Giridih	-
Godda	7.59
Gumla	30.21
Hazaribagh	50.22
Koderma	-
Lohardagga	50.47
Pakur	-
Palamu	-
Paschim Singhbhum	17.92
Purbi Singhbhum	36.19
Ranchi	51.29
Sahebganj	20.17

#### %age of fully immunized children

Source: RCH, 2003-04

#### Huge shortage of health centers in the state

The state government has shortages of 77 referral hospitals, 18 PHC, 682 APHC and 2138 health sub centers.<sup>80</sup> Thus increasing number of unskilled and illegal health service providers in the rural areas are becoming a source of exploitation.

#### Health Manpower Position in Jharkhand

Personnel	Existing	Shortfall
Doctors	1219	1412
Lab technicians	744	505
X ray technicians	109	59
Staff nurses	783	434
Pharmacists	1235	703
MPHS	1252	1196
MPW (F)	3915	1949
MPW (M)	423	4809

#### Shortfall in Physical Infrastructure

Source: CARE, Jharkhand Report

Women and children are the main victims of the absence of the basic health facilities i.e. Anemia in women 70.4%, Anemia in children - 77.7%-III, vomplete immunization among children-35%-NFHS III and Delivery problem for women 44.7%. 19%of the deliveries in the state are institutional delivery.<sup>81</sup>

#### Health services in Jharkhand dismal

Dec. 19.

Public health services in Dumka district of Jharkhand were in a dismal state. Even before the nature of the medical services offered could be observed, the absence of functioning indicated a serious health hazard, especially in Dumka. A Pratichi team found that medicines were scarce in both the districts and nothing was available at one Public Health Centre (PHC) in Dumka. Some of the patients said the PHCs and the Block PHC staff charged them for medicines which were meant to be provided free. Of the nine in Dumka, two were completely shut and the others functioned irregularly. One out of the nine in Dumka had a medical officer. The situation, the team noted, was much worse in the sub-centres which were supposed to be run with the help of para-medical personnel to provide day-to-day health care. Only five of the 13 designated sub-centres were working and that too irregularly.

-The Telegraph

#### Alarming growth rate of HIV/AIDS in women

Awareness of RTI is 62.9%, STI is 46.8% and HIV/AIDS is 16.1% among females and at least one symptom of RTI is reported in 31.6% women in districts of Jharkhand. It is evident that there is a correlation between sexually transmitted infections (STIs) and HIV infections and the development of AIDS. HIV and other sexually transmitted infections (STIs) may interact with each other through the effects of STIs on HIV or through the effects of HIV on STIs. The problem of STDs, RTIs, and HIV/AIDS among women aged 15-49 years is increasing at an alarming rate. In India awareness of HIV/AIDS among currently married women aged 15-44 is 41.1%, but for males aged 20-54 it is 57.4%. The level of awareness of HIV/AIDS varies from highest of 78.5 percent among men and 45.1 percent among women in Purbi Singhbhum district to the lowest of 15.3 percent among men in Gumla, and 5.9 percent among women in Sahibganj district. In the villages, about 28 percent of the women feel sexual intercourse is the major source of transmission of AIDS.<sup>82</sup>

**Communicable diseases like Tuberculosis, Malaria and Leprosy are endemic in the State.**

Tuberculosis contributes the maximum to the mortality due to communicable diseases. Every year approximately 60,000 new patients of TB are found in the State.<sup>83</sup> Poverty, poor health care and heavy consumption of liquor amongst tribals in the country has led to tuberculosis (TB) taking on epidemic proportions in the region. Studies indicate that although 80 percent of TB patients attend health facilities, few are diagnosed correctly.<sup>84</sup>



**Victim of T.B. In Jharkhand**

The State had the highest prevalence of Leprosy in the country, PR of 14 per 10,000 population in the year 2000; which has come down to 4.9 in 2003. Here the social stigma and discrimination of lepers seems to be greater than elsewhere.<sup>85</sup>

Malaria has been wrecking havoc in the State. In the year 2000, 137453 malaria cases and 16 confirmed cases of deaths due to malaria were reported. Due to the intensive efforts of all stakeholders, the total number of cases reported in the year 2003 was 86622 which led to 10 deaths. The prevalence of these diseases may be partly due to malnutrition caused by poverty and due to lack of safe drinking water and environment.<sup>86</sup>

**448,377 people in the state are disabled**

**Distribution of the disabled population in India and Jharkhand by sex**

India/Sex	Total	Rural	Urban
Persons	21,906,769	16,388,382	5,518,387
Males	12,605,635	9,410,185	3,195,450
Females	9,301,134	6,978,197	2,322,937
<b>Jharkhand</b>	<b>Total</b>	<b>Rural</b>	<b>Urban</b>
Persons	448,377	348,928	99,449
Males	264,229	203,463	60,766
Females	184,148	145,465	38,683

Source: Census of India 2001

**Right to Food**

The per capita availability of food grains in Jharkhand is 230 gm/day against a requirement of 480 gm/day. While all know that the PDS is non-functional in the state, it is interesting to know just how bad it is. Only 20 per cent of the grain released through the PDS actually reaches its target, rest is sold through the black market.<sup>87</sup>

	1 mth	2-3 mths	4-5 mths	6+ mths	All
ST	32.54	3.57	53.67	10.23	100
SC	0	71.26	25.93	2.80	100
Others	1.11	76.69	19.83	2.37	100
Total	1.89	64.05	27.86	6.20	100

**Percentage distribution of food deficient houses by number of food deficient mths in Jharkhand**

(Source: NSSO 55th Round (1999-2000), cited in Status of implementation of food security schemes in Jharkhand, by Dr. Ramesh Sharan & Neelkanth)

10.46% of all households in Jharkhand face seasonal food insecurity. Data also reveals that around 2.5% of households face chronic food shortages. Among the families facing food insecurity, 64% face food shortages for 2-3 months while as many as 28% don't have sufficient food for 4-5 months and almost 6% of the food deficient households have to go hungry for more than half the year. Incidence of insecurity is quite high in ST families.<sup>88</sup>

An assured food supply exists for only about three to four months of the year i.e. in winter following the harvest in late October-early November. Food supplies tend to run short by the end of winter and the starvation period begins by mid-summer (June) and in many cases, continues till the end of October.<sup>89</sup>

**Only 20% of PDS grains reaches households in Jharkhand**

There is a complete exclusion of adolescent girls from the ICDS beneficiaries in the SNP program of ICDS are adolescent girls in Jharkhand, where the coverage of the scheme is limited to children in the 0-6 year's age group, pregnant women and nursing mothers. In Jharkhand, the entire staff of ICDS (including CDPOs, supervisors, anganwadi workers and helpers) get their salaries only twice in a year. This is a highly demotivating factor for the staff. It also gives ICDS staff an excuse for not doing their duties and

encourages petty corruption. The funds under ICDS for the food component of the scheme are best spent in a decentralised manner by making village committees who buy grain and other ingredients and prepare meals for the village children. In Jharkhand, however, the district purchase committees are responsible for purchases. The system of district purchase committees needs to be wound up in a phased manner, with clear directions that all projects should transfer to village groups. Unfortunately, rather than decentralizing it further to the villages, the state government seems to be under pressure to centralise the purchase system through a state level contractor. This must be avoided since it will lead to massive state level corruption and give a bad name to ICDS, besides resulting in delays and poor quality of food. It will also deprive thousands of women's self-help groups of a legitimate source of livelihood and cause massive interruptions in nutrition to children. Besides these, the actual content and weight of packets supplied by contractors is less than the prescribed norm; supply is erratic and irregular; there are frequent complaints of black-marketing and profiteering; goods of inferior quality are supplied to projects; and other grains are mixed in 'sattu', which is to be made only out of gram. The uniformity of rations supplied across ICDS projects is also a matter of concern when there is a centralised supply of food. Food habits vary from district to district. At present the ration prescribed does not have the requisite quantity of nutrients. Moreover, puffed rice, which is currently supplied, is not popular everywhere in Jharkhand, and nor does it have a good retention capacity for long-term storage. Its calorific value is also low. According to the instructions from the Supreme Court (also supported by the government of India) malnourished children, pregnant women, nursing mothers and adolescent girls are to get enhanced rations, but these orders are not being followed in Jharkhand.<sup>90</sup>

The implementation of the non-food components of ICDS in Jharkhand presents a picture as poor as that for the food component, as is indicated for instance by the facilities available at the anganwadi centres. While medical kits have not been supplied to any anganwadi centres anywhere in the state, drinking water source is available only in 35% of anganwadi centres.<sup>91</sup> Though Nutrition and Health day has been regularized in a majority of places in seventeen CARE assisted districts, a lot still remains to be done. The shortage of weighing machines and growth monitoring charts in a majority of AWCs is a big handicap.

In Jharkhand, the public distribution system (PDS) is more or less non-functional. Only 20 per cent of the grain released through the PDS in Jharkhand reaches the intended households. The rest is sold on the black market. Only four out of about 100 Bhuiyan families have Antyodaya cards, and even they are routinely overcharged by the local dealer. There seems to be complete lack of coordination between FCI, SFC and the state government officials. Sufficient godown capacity needs to be created in each district so that there is no interruption for essential schemes. The state has been surrendering about half of its quota of BPL card holders because of lack of coordination and insufficient movement of rakes to the State.<sup>92</sup>

The performance of the Sampoorna Grameen Rozgar Yojana (SGRY), the main plank of employment generation in rural areas, is no better. The scheme was introduced with much fanfare in mid-2001 in response to growing public criticism of the Government's failure to make constructive use of its gigantic food stocks. It was supposed to generate 100 crore person-days of employment a year. On the ground, however, SGRY works are as conspicuous as a needle in a haystack. Recent field investigations shed some useful light on the problem: funds are under-utilised; whatever work takes place is often mechanised; and the muster rolls are massively fudged. At the end of this long chain of looting and fudging, actual employment generation is negligible.

In the case of social security schemes such as the National Old Age Pension Scheme (NOAPS), the main problem is not so much of corruption as limited coverage and lack of funds.

### **Poor implementation of the Food for Work Programme**

At the initiative of the Left parties the UPA government at the centre started the NFFWP in 150 districts, though in a limited way, and it came into effect in the country in October 2004. Out of these 150 districts, 14 are in Jharkhand, namely Sahebganj, Pakur, Jamtara, Dumka, Gumla, Simdega, Lohardaga, Latehar, Palamau, Garhwa, Chatra, West Singhbhum and Saraikela-Kharswan.

On the human development index, Jharkhand is in the lowest rung among the states in India. Due to lack of work and low agricultural productivity, massive labour migration takes place from the state, involving entire families including women and children. As such, all the 22 districts of Jharkhand should have been brought under the NFFWP. Of these,

Ranchi and East Singhbhum fall in the scheduled areas category under the fifth schedule of the constitution of India. Repeated hunger deaths are reported from Hazaribagh district. Yet, these districts have been excluded from the NFFWP.

The guidelines state: “A five-year perspective plan for the districts..... block-wise and gram panchayat-wise, is prepared under the programme.” In none of the Jharkhand districts, however, has a perspective plan been prepared by the deputed commissioner. The state government has completely failed to do the initial minimum work in this regard.

The NFFWP guidelines states: “The programme will be implemented departmentally only. Contractors are not permitted to be engaged for execution of any of the works under the programme. No middleman or any other intermediate agency should be employed for executing works under the programme. The full benefit of wages to be paid should reach the workers and the cost of the works should not involve any commission charges payable to such contractors, middlemen or intermediate agencies.” Yet, where the work has started, contractors or middlemen have been appointed to implement the NFFWP.

The same clause of the guidelines also states: “No task funded under the programme shall be performed by using labour displacement machines.” Yet machines are being used to displace labour.

The guidelines state: “In case it is reported that labour displacement machines are being engaged, the collector shall withhold further release of funds to the executing agencies and initiate suitable action against the erring official for misutilisation of fund.” Since contractors and middlemen have been appointed and labour displacement machines are being used under full knowledge and approval of the concerned deputy commissioners, the question of taking action by them does not arise.

Further state government did not make any arrangement to inform the people in respect of the NFFWP. No scheme under the programme has been made public by the government. The scheme was prepared by the BDOs and local contractors. No villagers' meeting was called to prepare the list of beneficiaries. The list of beneficiaries has not been made public. There is no scheme to provide jobs. The scheme is only to complete some work through contractors.

### 10.46% of all households in Jharkhand face seasonal food insecurity<sup>93</sup>

Jharkhand's total population is 269, 09,428.<sup>94</sup> Around 23.22 lakh families in the rural areas live below the poverty line, of which 3.91 lakh belong to scheduled castes and 8.79 lakh to scheduled tribes. There is assured food supply for only about three to four months in the year, i.e. in winter following the harvest in late October-early November. Food supplies tend to run short by the end of winter; the 'starvation period' begins by mid-summer, and, in many cases, continues until the end of October.<sup>95</sup>



A widow testifies in Jharkhand that she had not eaten for three days

Chronic drought, rampant poverty, rapid globalisation and corruption are becoming the villains in the lives of Jharkhand's tribal communities. The desperation is apparent. In Sithiyok Pokhar Toli, the women say the only option left is to labour on the nearby railway construction site.

The Department of Agriculture and Cooperation is looking at macro management of agriculture in Jharkhand, focusing on the National Watershed Development Project for Rainfed Areas (NWDPA), horticulture development schemes and the Integrated Cereal Development Programme (ICDP) for rice. “How these schemes will prevent the hunger deaths is anybody's guess, as the implementation is sloppy. Rural poverty in Jharkhand is not only alarming but is increasing by the year,” says A K Singh of the Society for Participatory Action and Reflection (SPAR).

Having lost all faith in government schemes, the tribals of Jharkhand pray for rain and leave it to the gods. Many forms of quackery have emerged in the villages as a relief from the suffering and uncertainty of drought. The land of Jharkhand, charming and chaotic to the outsider, is a battle for survival for its sons and daughters.



Starvation deaths in Jharkhand

### **Jharkhand Govt. asked to comment on reported starvation deaths**

Taking suo-motu cognizance of a news story about 14 starvation deaths in Jharkhand, the Chairperson of the National Human Rights Commission, Dr. Justice A.S. Anand has directed that a copy of the news item be sent to the Chief Secretary, Jharkhand and District Magistrate, Dumka and Palamu, Jharkhand to look into the report and submit their comments within two weeks. The news item captioned "14 starvation deaths, says Congress" appeared in a national daily on 20 September 2004 wherein it was reported that the Opposition in Jharkhand claimed that at least 14 starvation deaths had occurred in the State within a month and asked the Arjun Munda-led NDA-Government to spell out the difference between 'starvation' and 'malnutrition'. The news report further stated that people die because they do not have enough to eat and have no access to treatment facilities. It has quoted that the Deputy Commissioners of Dumka and Palamu Districts as having denied the cases of starvation deaths in these districts but admitting to widespread malnutrition among the people particularly women and children.

-NHRC

### **Right to Livelihood**

The main source of earning of the population of the state is engagement in labour as 37.64% of the state population falls under labor (work) force. Most of them are dependent on the

agricultural system. Total Female Population (rural & urban) in the workforce is 26.4%, the rural being 31.9% and the urban 6.3%.<sup>96</sup> According to the latest census the rupees, which comes to around 347 rupees (about 7 \$) per month for a person.<sup>97</sup> Though the government of Jharkhand every year announces the vacancy for jobs but the unemployment has hardly decreased. According to a report, last year only 36.81% of the working population was employed while this year the employment has increased only up to 37.64% in Jharkhand.<sup>98</sup> The main characteristic of the Jharkhand Employment is that it is dominated by heavy industries Mining and Automotive. There is large planned investment by the corporates. The rural and tribal population is mostly engaged in primary agriculture. There is high migration to urban areas (some seasonal). It is overshadowed by strong Naxalite presence (especially in rural areas) and disparity in quality education, income and opportunities. Although there is a low growth states, but it has opportunities for faster growth. And finally there is low capacity and inexperience in public administration.

### **Trampling of Constitutional rights in Jharkhand**

The total number of people displaced in Jharkhand from the year 1951-1995 is 15,03,017. Out of which 6,20,372 belong to the scheduled tribe, 2,12,892 belong to the scheduled caste and 6,76,575 belong to other categories.<sup>99</sup> In the name of development various large-scale industrial, mining, irrigation and power projects were launched in the state such as the Tata Iron and Steel Company, Heavy Engineering Corporation, Suber-narekha Dam Project, Chandil Power project etc. but the benefits arising out of these projects have only accrued to the big business houses and all that the displaced people have got is wages for providing manual labour required by these projects.

In fact besides causing displacement to enable mining activities, mining has resulted in displacement which has occurred due to the threat of disasters which may occur due to past or ongoing mining activities. The Jharia Coal fields are one such example. Because of unscientific and irregular development, extraction and abandonment of mines, the Jharia coalfields are facing the brunt of mine fire and subsidence.<sup>100</sup> The impact of the development projects on the marginalized section is such that the environmental hazards threaten the very existence of the communities that have depended on natural resources and have preserved them for centuries.



Displaced victims of Jadugoda Mines, Jharkhand

Another major threat of displacement in the state of Jharkhand is the implementation of the Koel-Karo Hydro-Power Project. The Koel-Karo area is about 80 kms from Ranchi, it is in the south-west region of Ranchi district. The implementation of the project has been stalled for over three decades because of the tribal people's movement against the project; it is one of the oldest power projects in the country. Initially during the year 1973-74, the people demanded the employment of the local people in the construction work of the dam. The people were then not informed of the submergence and the displacement that would result from the construction of the dam. After the people learned of the consequences they immediately stopped all construction work relating to the project in the year 1974-75. The people's movement against the construction of the dam consolidated under the name of the organization 'Koel-Karo Jan Sanghathana' has now been going on for over three decades.<sup>101</sup>

In Santhal Parganas, at Dalmatian and at Citra, collieries have displaced and decimated tribals and most of the promises of rehabilitation remained only on paper. Subsequently a coal-mining project was also granted to the Punjab State Electricity Board (PSEB) in the Scheduled Tribal area in Marinara Block in Pakur District in Jharkhand, Eastern India.

The Government's view is that it has the power to acquire land for a 'specific purpose'. Granted that acquisition is within legal limits, the question to ask is what is the specific purpose? It can reasonably acquire for it's on purpose, say for the railways, or for public utility service under its control. But then when the Government acquires the land in the tribal area to hand it over to a non-tribal juristic person on lease, legal experts opine that the executive is overstepping its authority without any legislative sanction. Section 20 of the SPT Act clearly bars any lease. The Government says that in the

interest of the National development displacement cannot be ruled out, even if it means uprooting the tribals from their age-old traditional moorings and scattering them to fend for themselves. Dams have to be built, minerals have to be extracted and wild sanctuaries have to be established. The Pachwara tribals too are not averse to development. But their idea is borne out of ground realities. Their right to existence. Right to life. Right to land and resources.

The Jharkhand government has signed about forty-two MoUs with several companies and needs about 60,000 acres of land for the various projects. The bringing of private players into the state is not a result of desiring development for national interest; it is only in the interest of the rich capitalist class who wishes to make profits by making use of the cheap and abundant opportunity available in the state. Moreover the government has made such a big decision without putting into place a proper resettlement and rehabilitation policy. It is an irony that the miseries of the local people that was responsible for the demand and the creation of the new state, is only going to be furthered if the government goes ahead with its plan as laid down in the Industrial Policy 2001. It is to be remembered that out of Jharkhand's 22 districts, 12 fully and two partially comprise scheduled areas. Displacement of the tribal people in these areas require special attention, mere grant of monetary compensation as seen in the past does not guarantee the well being of the tribal people. What is required is the resettlement of the people and a guaranteed share in the benefits arising out of the development projects. The omission to do the same would be the failure of the State to uphold the constitutional goal of the welfare of the tribal people.

Project	Displaced	Resettled	Backlog
Dams	53.00	13.15	39.85
Mines	12.00	3.00	9.00
Industries	2.60	0.65	1.95
Anim Sanc	5.00	1.25	3.75
Other	1.50	0.40	1.10
Total	74.10	18.45	55.65

#### Tribals Displaced from 1950-1990 (Lakhs)

Source: A.Minz. Development and/or destruction in Jharkhand and / Growing Fascism. Update Collective, p.72

## **The Implementation of NREGA in the state is very poor**

Twenty of Jharkhand's 22 districts are in the list of 200 districts where the NREGA came into force on February 2, 2006. Under this act, every state government is bound to launch a rural employment guarantee scheme within six months of the act coming into force. In Jharkhand, the scheme is still in the process of being drafted. Meanwhile, NREGA has been initiated within the framework of the earlier National Food for Work Programme (NFFWP) and Sampoorna Grameen Rozgar Yojana (SGRY), based on the operational guidelines issued by the ministry of rural development in January 2006.<sup>102</sup>

Even though there is growing public awareness of NREGA as a new initiative to provide rural employment, there is very little understanding of the basic features of the act. Most people are not even clear about the entitlements associated with the job card. Further, few people understand that after getting a job card they need to apply for work in order to get employment. Similarly, there is very little awareness of other entitlements such as employment within 15 days, minimum wages, weekly wage payments, worksite facilities and unemployment allowance not to speak of the right to scrutinize all NREGA-related documents. Even among concerned government officials, there is little awareness of the basic features of the act.

There is little difference between NREGA and earlier employment programmes such as NFFWP and SGRY. And the basic purpose of providing employment on demand, at the statutory minimum wage, is nowhere near being achieved. It is worth noting that some states have been much more successful than Jharkhand in putting NREGA on track. Some reasons could be the absence of gram panchayats in Jharkhand which has created an institutional vacuum at the village level. Contractors have stepped in as substitutes for the gram panchayats, and are manipulating the programme to further their own ends.

In Jharkhand, however, there is still very little acknowledgement of people's right to information among government officials, and even more limited awareness of it among ordinary citizens. The National Rural Employment Guarantee Act (NREGA) came into force in Jharkhand on February 2nd, 2006, but little has happened beyond the distribution of job cards, itself fraught with problems. Employment generation has been very limited, and where jobs were provided, wage payments were delayed for long periods and always below the statutory minimum. This is, in a

nutshell, the picture emerging from a recent study of the implementation of NREGA in Jharkhand.<sup>103</sup>

## **Inhuman conditions of work prevail in several of the industries in Jharkhand**

Seven districts of Jharkhand are predominantly populated by agricultural workers, whose living conditions are as precarious as elsewhere in fact, much worse. These rural working people have no work, no wage and they are forced to migrate to different states along with their entire families in search of livelihood. But such a large mass of rural working people is not involved in any organised battle for their livelihood. They are victims of enormous feudal and capitalist exploitation. Moreover, they are also subjected to inhuman social oppression, as most of them are Dalits, SC/STs, backwards or minority communities.

52 miners were killed in the month of September in 2006 after an explosion took place inside the Bhatdih mine, located about 220 km from state capital Ranchi. Four workers on the upper side of the colliery sustained injuries and were admitted to a local hospital. The explosion was caused by the accumulation of methane and carbon monoxide inside the mine. Most of the miners were aged between 20 and 30. The Bharat Coking Coal Limited (BCCL) management was solely responsible for the tragedy. Despite knowing that the mine was emitting poisonous gas, the management was forcing the miners to work in the mine.<sup>104</sup>



Entrance of the Bhatidih mines

Another industry having grossly inhuman conditions of work is the carpet industry. Carpet making is a slow and silent killer that is continuing to cause havoc in the lives of little children. Occupational health hazards such as asthma, and lung

diseases- caused by dust and fibers tuberculosis, skin allergies, poisoning by dyes, scabies, back pain, hip pain, limb pain and severe strain in the fingers are common. Cuts and injuries while using sharp knives and tools are a regular occurrence while cutting the knots. There is no system of providing medical treatment or compensation for sick children nor are any first aid facilities available. Most children suffer in silence without treatment. Even deaths of many working children due to occupational diseases are common and nobody accepts liability.



Victims of such conditions

### **Bonded Labour still exists**

The States of Bihar, Jammu & Kashmir, Jharkhand, Manipur, Rajasthan, West Bengal and the UTs of Dadra & Nagar Haveli, Daman & Diu, Lakshadweep & Pondicherry have not adopted the Central Act of Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993.

The majority of the children working in the carpet sector, be it in U.P or in Jharkhand are migrant child labourers working under bondage from Palamau and Garwa district in Jharkhand. These districts are the prime catchment area for child labours especially Garhwa. On an average in any village you visit in the district there will not be one single home where child labour does not exist. The nimble finger theory has been totally discredited by experts yet villagers still believe that it is tender young hands that make the finest quality carpets. Hence, bonded labour is still prevalent in the carpet weaving sector.

On 29 and 31 March 2006, the Paschal Bang Chet Major Sanity (PBKMS) and the Shramajibee Mahila Samity (SMS) rescued 98 persons from the PDBF and the KDB brick fields in Hooghly. Of this, sixty-two were bonded labourers, including 13 child labourers. The workers were from the States of Jharkhand and Chattisgarh. Another 100 child labourers along with another 100 bonded adults including women, were freed from a brick kiln near Ramgarh in Hazaribagh district.

### **Large scale migration in the state**

Most of the poor are agricultural laborers or landless. Reasons like excessive use of fertilizers, pesticides, and depleting ground water, etc damages the region's eco-stability. This with combination of other factors has increased migration of the youth and the physically fit from the villages in search of better prospects. This situation is creating new type of social problems particularly for old age people and women.

The survival of the tribals is centered towards the locally available natural resources, but deforestation and large scale depletion of such resources has left the people with minimum option for survival. As a consequence people migrate to various parts of the country for employment. The variety of work they are engaged in is mind-blowing. From carpet-weaving in Uttar Pradesh to sugar mills in North Bihar, they have made their presence felt. Hordes of them have descended on the western coast and in towns and cities in the northern plains.

During migration villagers are exposed to all sorts of exploitation like fewer wages, inhuman conditions and restricted mobility. As they remain away from their families for long durations they are also prone to get attracted towards high-risk behavior (AIDS). Despite government policy to provide safeguard to them, its response to their needs is an issue of debate and concern.

Jharkhand is a highly resourceful state, but more than 50% of the people are still below poverty line. Indigenous people of Jharkhand have less access over employment opportunities in different service sectors, because they are not organized and empowered to raise voices for restoration of such rights. The Government has failed to provide employment to the rural people due to various reasons and it is adopting such policies, which are not in favour of new employment generation. Problem of unemployment is not being responded adequately, and the issue of unemployment has been intensified in manifold.



The table below gives the rank of the districts of Jharkhand with respect to their economic, social and cultural rights. Indicators such as the level of education, health services,

poverty, demography and economy have been used to indicate the overall human development of the districts of Jharkhand.

#### Human development Index of the districts

Rank	Rating Index	District	Edu-Rank	Health Rank	Poverty Rank	Demo Rank	Eco Rank
1.	0.77	E Singhbhum	1	1	7	1	1
2.	0.63	Dhabnad	3	3	3	2	2
3.	0.62	Ranchi	2	8	1	4	3
4.	0.50	Bokaro	9	2	13	3	6
5.	0.47	Hazaribagh	10	5	4	9	4
6.	0.39	Sareikela and Kharsawan	4	4	10	5	22
7.	0.37	Deoghar	17	6	2	15	8
8.	0.36	Koderma	19	7	6	14	7
9.	0.33	W Singhbhum	7	10	10	5	18
10.	0.32	Chatra	18	11	5	16	11
11.	0.32	Simdega	5	19	8	10	15
12.	0.30	Lohardaga	8	9	20	13	13
13.	0.25	Gumla	6	20	8	10	20
14.	0.25	Latehar	11	22	21	17	5
15.	0.24	Sahibganj	12	17	18	20	10
16.	0.24	Palamu	16	15	21	17	9
17.	0.22	Jamtara	14	14	16	7	21
18.	0.22	Dumka	15	16	16	7	19
19.	0.21	Giridih	22	12	12	21	14
20.	0.19	Godda	13	21	15	12	16
21.	0.19	Garhwa	21	18	14	22	12
22.	0.19	Pakur	20	13	19	19	17

Source-Jharkhand development report, 2007

# Rights of the Marginalised

The overly critical are concerned with economic theory limited by that ever erroneous misconception concerning the abundance of capacity. There are people who are paralyzed from fear of suffering a loss when someone else prospers. For some unknown reason they fear losing their hard fought battle to free themselves from the grips of poverty. When one seriously looks at the way the vulnerable have been abused in India ,the only conclusion we arrive at is that the government is not properly discharging its duty towards the marginalised caught in the trap of the internal refugee.

The thought of holding the vulnerable in contempt by insinuating that they are morally corrupt and therefore deserve to live in a life of penance for their sins defies all logic. Employment opportunity is paramount to rehabilitate the indigent fellow who is falling between the cracks of our social safety nets. The marketplace has other priorities. The market place is incapable of considering the greater good. It encourages a surplus of labour, as capitalist manipulate the marketplace, their own accumulation is enhanced when workers are thrust into unemployment and later exploited even more at a reduced rate of pay, if they are lucky enough to even be considered for a job with sufficient remuneration to qualify them as being fully enabled consumers of the goods and services so important in today's competitive environment.

## Rights of the Marginalised in India

The social realities of India, notwithstanding the advances of recent years and the attempt to project India as a rising global power, suggest a rather grim picture: working conditions for the greater majority of the people are still exceedingly poor, levels of poverty remain very high, and the oppression of women, the poor, and other marginalized groups constitutes the most formidable obstacle to egalitarian aspirations. This is not the India of the Indians in the diaspora of the North, whose idea of their homeland often rests upon ossified conceptions of Indian religion, tradition, and cultural practices.

One of the major challenges before the human rights movement in India today is a lack of awareness of rights and available mechanisms for redressal of rights violations among various marginalized communities, such as Muslims, Dalits and Adivasis. Keeping this in mind, it is necessary to

increase the effectiveness and accessibility of human rights protection mechanisms by strengthening the human rights movement in India, ensuring compliance with existing norms and making the system widely accessible to victims of human rights violations and other actors of civil society. The main focus should be on communities in India that are marginalized in terms of asset ownership and various social, economic and educational indices and are victims of majoritarian religious chauvinism that has caused the deaths of thousands of people in India in recent years.

The reasons for the high incidences of poverty and deprivation among the marginalized social groups are to be found in their continuing lack of access to income-earning capital assets (agricultural land and non-land assets), heavy dependence on wage employment, high unemployment, low education and other factors. Therefore, there is a need to focus on policies to improve the ownership of income-earning capital assets (agriculture land, and non-land assets), employment, human resource & health situation, and prevention of discrimination to ensure fair participation of the marginalized community in the private and the public sectors.

## Child Rights

Child Rights are fundamental freedoms and the inherent rights of all human beings below the age of 18. But for many children, the reality of childhood is altogether different. 2 million Indian babies die before they celebrate their first birthday. More girl children are be killed at birth than the previous years. At least 35 million children aged 6-14 years (if you believe the official statistics) will not be in school.

Let us have a look at the life of children in the State of Jharkhand in the context of their survival rate, the violation of their right to be educated, child marriage, trafficking, sexual abuse and other forms of crimes against them.

## Incentive schemes by the government fail to reduce female infanticide

Jharkhand has a sex ratio of 965 females per 1,000 males.<sup>105</sup> Many in the state, like in other parts of the country, harbour a preference for male children. As a result, female infanticide and foeticide are widespread problems. The Jharkhand government has devised incentive schemes for parents of girl

children to discourage these barbaric practises, but officials concede that most people are not aware of them. Declination in sex ratio, female infanticide, foeticide and fatal neglect of the newly born girl infant is directly linked to a socio-cultural environment that is explicitly hostile to women and female children.

The Child sex ratio is indicative of the discrimination against the girl child. The child sex ratio of Jharkhand as a whole is 965 females per 1000 males. Among the districts, Godda has the highest child sex ratio with 995 and Purbi Singhbhum, the Poorest with 940. This is also indicative of the prevalence of female foeticide. Even the developed districts like Ranchi, Bokaro and Dhanbad have very poor ratios.<sup>106</sup>

### **Children form almost 50% of the workforce here**

Children make up a shocking 50 percent of Jharkhand's workforce. It was also found that wages paid to the child workforce is much lower than the prescribed norm.<sup>107</sup> Ranchi tops the list in child labour.<sup>108</sup> Most children below 14 years are involved in hotels and houses. Also these children are paid much below the prescribed wages.

But the government of Jharkhand while acknowledging the problem of child labour says the numbers are not as high. The labour department, following a directive from the Jharkhand High Court, conducted a survey between April and December 2001 that said 3,570 children were working in hazardous units while 6,375 children were employed in non-hazardous units. The hazardous units included brick kilns, beedi making units, quarries among others. Nearly 30 percent of child labourers are involved in farming. The government survey found that most child labourers are paid a meager Rs.10 to Rs.15 per day.



Children employed in Mica mines

The National Human Rights Commission regrets to admit that the results of its efforts together with those of a number of NGOs to end the child labour have not been significant and the pernicious practice continues in most parts of the country. The Commission reiterates its recommendations made year after year that the entire issue of child labour must be viewed through the perspective of the rights of the child which demands the reading of Art.24 of the Constitution with Articles 21, 39(f) and 45 as also the provisions of the Convention on the Rights of Child, 1989.

In India most of the mica mines are located in Jharkhand. In Jharkhand, Giridih and Koderama districts are popular for mica. It is estimated that at least about 18000 children are involved in mica picking in these two districts. The existence of child labour in mica industry is not known as the children mostly work in interior tribal region in the forest. Child labour in mica mining and scrap mica collection is the worst form of child labour. Many children including girls have been engaged in mining operations. They even go below the ground of more than 20 feet to dig and search for mica. Working in loose soil is part of the operation. Many instances of deaths as a result of collapse of ground while mining and caving in of soil were found. Accidents and snake bites were other occupational health hazards of mica mining and scrap mica collection.



Carpet weaving children in Jharkhand

Garwah district in Jharkhand is steeped in the problem of child labour in the carpet weaving industry. This region supplies huge number of child labour to the neighbouring state of UP.<sup>109</sup> There are two kinds of child labour in this sector, child labour involving the forced migration of children to UP where they stay and work with their masters, and child labour whereby children work in the looms in their own villages. Starting very early in their childhood, these children lead a life of bondage and slavery. Parents pledge their children for petty loans of Rs.300 - 500 to the middlemen and

the children have to slog at the looms from early morning to the night hours with very little or no food for their subsistence. The children are packed off to dark, dingy prisons under the guise of loom houses, where they live and work. Some lucky ones do manage to escape but their freedom is usually temporary. Most parents do not welcome the return of their child if he is empty handed and he is soon forced back to work. For what should be the happiest and most formative years of their lives, these poor children slog their guts out at a loom for 16 hours a day for scarcely enough rice and water to keep them alive. They never see the outside world.

**Jharkhand with a 61% tops the list of states where child marriage is prevalent**

Child marriage in teenage is one of the most deplorable practices still present in our society. After independence, inspite of enacting laws to curb child marriage, the practice is still very much in existence. Certain States like Rajasthan, Uttar Pradesh, Bihar and Jharkhand are well known for active prevalence of child marriages. The average age of marriage for the females in the state is 17.6 and that of males is 21.8.<sup>110</sup>

**Married at ten**



**Bijli with her marriage photograph**

At 10, Bijli, a girl from Jharkhand, didn't know what marriage meant or even what a husband was. But there she was, married to a man she had never met before her wedding day. A marriage would secure Bijli's future, her grandmother decided. When Bijli started menstruating at age 12, she was pulled from the 7th grade, and left her grandmother's home to move in with her husband and in-laws. She had her first child, a boy, at age 14. And for the first five or six years of her marriage, Bijli stayed at home, did household chores, and was not allowed to go to school.

**- UN Study Report**

Rajasthan, Madhya Pradesh, Bihar, Uttar Pradesh, Jharkhand and Haryana together account for 63 per cent of all under-age marriages. Nearly 45 per cent of women in India were married off before they turned 18, according to a latest Government survey. In eight States the figure is as high as 50 per cent. The survey of women aged between 20 and 24 years showed that the worst situation is in Jharkhand and Bihar. While 61 per cent women in Jharkhand were married off before 18, in Bihar it was 60 per cent. Similarly in Bihar 57 per cent women were married off before attaining 18, the number stood at 55 per cent in Rajasthan.<sup>111</sup>

A survey found that girls, who were married before 18 were twice as likely to report being beaten, slapped or threatened by their husbands than girls who married later. They were three times as likely to report being forced to have sex without their consent in the previous six months. It also revealed that girls who were married before 18 consistently reported being less able than young women married after 18 to talk to their husbands about the use of contraception, when they wanted to have children. When asked if they never, sometimes or usually participated in decisions about aspects of their lives, women who had married as girls were more likely than those who married later to respond with a "never."<sup>112</sup>

**Minor hitch in govt's wedding plan**

**February 26, 2007**

In 2004, the Jharkhand government launched the Mukhyamantri Kanyadaan Yojna, a plan to help poor, tribal families get their daughters married. But like all ambitious plans, this one too backfired now the government has to deal with allegations that several minor girls were married off to meet 'official targets'. The allegations are serious. The National Family Health Survey III (NFHS) for 2005-06 put Jharkhand on top of its list of states with a high percentage of child marriages. A government official, who didn't want to be named, said, "The scheme resulted in some forced marriages. I had drawn the then government's attention to the issue, but nothing happened." The officer said that a 15-year-old girl was forced to marry a 65-year-old man in Seraikela Kharswan. "A powerful minister was present at the wedding," the secretary said. Sources in the Silli block office confirmed that on July 7, 2004, a six-year-old boy was married off to a five-year old girl under the scheme.

**- Hindustan Times**

## Trafficking for Domestic labour and Sexual Abuse is a rampantly growing industry in the State.

Human trafficking is a modern form of slavery which not only affects the life of a human being but also the entire society. In most of the cases victims are used as bonded labour, for begging, domestic servitude, sexual abuse, etc. Mostly children are trafficked from the poor states. Most of the human trafficking and bonded labour originates from Bihar and Jharkhand and their destinations are various industries like the Sari weaving industry in Varanasi, Carpet industry in Sonebhadra, Bhodhi, and Allahabad, stone breaking, brick kilns, and various other activities both in formal and non-formal sectors, of the economy. In some parts of Punjab, women and children (mostly dalits and tribals) from states like Bihar, Orissa, West Bengal and Jharkhand are increasingly being used as farm labor.<sup>113</sup>

Buying and selling of girls for prostitution is a shameful and serious concern both for the country and the society at large. Importation of girls has increased by 93.5 per cent. Most of these cases are reported from Bihar and Jharkhand. For the crimes of immoral nature committed against children, only a few arrested offenders could be convicted representing only about a 30 per cent conviction rate. 85 per cent of the trafficked victims have been below the age of 30 years. It is important to note that offenders were known to the victims in as many as 85 per cent cases.<sup>114</sup>



Radha and two others were trafficked from Jharkhand and brought to the North

At least two lakh girls in Delhi either have been trafficked or have migrated from Jharkhand, Orissa or West Bengal.<sup>115</sup> Subhash Bhatnagar, coordinator, Nirjala Niketan, a non-governmental organisation, has reported to have said: "From Bokaro district (Jharkhand) alone, three lakh girls have migrated or were trafficked, 40 per cent of whom were below 14. Their average annual earnings would be Rs.200 crores, of which they take home only half; the other half goes to the

agencies. A separate law is needed to control trafficking, besides regulating working conditions."<sup>116</sup> There are at least 2,500 to 3,000 tribal girls from all over Jharkhand who migrate to metropolitan cities every year. Poverty is a conspicuous cause for most who leave their families to go and look for jobs in big cities that offer more opportunities. Trafficking of tribal girls has also resulted in forced prostitution. Most victims in such cases are from Ranchi, Gumla, Lohardagga and Hazaribagh.<sup>117</sup>

### *Trafficking: A curse*

16-year-old Phulmati from Jharkhand was trafficked for forced labour by an unregistered agent from Jharkhand. She was sexually abused and tortured before she escaped from a dingy house in Panchkula (Haryana) on September 17 last year. Though her medical examination confirmed molestation, the abuser was not punished stringently. Further investigations revealed that David Topo, the alleged violator, had been in the business of trafficking poor Jharkhand girls who were lured by the promise of good clothes, money and a secure home. 14-year-old Jasindha from Jharkhand also knows what it means to be a child domestic. Assaulted by employers in Panchkula, she was rescued some time ago. Jasindha is now working for a family in Chandigarh. While some girls like Jasindha get lucky, others endure a lifetime of exploitation.

**-The Sunday Tribune**

The trafficking affected districts include Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi, Palamu, Hazaribagh, Dhanbad, Bokaro, Girdih, Kodarma and Lohardagga. Most of the women trafficked from Jharkhand belong to Oran, Munda, Santhal (including endangered Pahariya ) and Gond tribes, out of which maximum are from Oran and Munda.<sup>118</sup> Administrative Machinery, infrastructure, and instruments required under the ITPA and National plan of action and J. J. Act viz. State advisory Committees, Special Police officers, Advisory bodies of social workers, Task Force, State coordination Committee, Anti Trafficking Prevention Cells, Juvenile Boards and committees, Juvenile Homes, Short Stay Homes, State plan of action, Care homes for victims, Care and Protection Homes for Juvenile Victims, etc. are yet not in existence in the state.

### **Almost 50% increase in the crime rate against children in a span of five years**

47 cases of crime were recorded against children in the year 2001, making the state contribute 0.4% to that of the whole of India.<sup>119</sup> 97 cases of crimes against children in the state including 33 murder cases, 22 rape cases and 11 kidnapping cases were recorded in 2005.<sup>120</sup>

More than 200 children have been reported to be missing in Jharkhand recently. In the last five years, 92 children were reported missing from the state capital Ranchi, 27 from the steel city of Jamshedpur, 30 from Palamau and the rest from other districts.<sup>121</sup> In 2004 Bihar, Jharkhand, Orissa and Chattisgarh reported the maximum number of missing children. Child trafficking may be the reason for this.<sup>122</sup>

### **Dearth of adequate Juvenile Homes in the State**

Jharkhand at a 237 has accounted significantly towards juveniles apprehended in the age group of 7-12 years in the country under IPC during 2004.<sup>123</sup> This calls for the establishment of adequate Juvenile Homes in the State. But the state has till now been deficient in establishing proper rehabilitational care for the children.

Proceeding in a Public Interest Litigation petition on 15th July 2005, a division bench of the Jharkhand High Court directed the government to speed up the process of constituting the Juvenile Justice Boards to look after the welfare of juveniles lodged in the different remand homes of the state. The court also told the government to form the State Advisory Committee and Child Welfare Committee as provided in the Juvenile Justice Care and Protection Act, 2000. On 25<sup>th</sup> August 2005, Juvenile Justice Board was formed to dispose of the cases and provide justice to the juveniles who have been languishing in seven districts Ranchi, Deoghar, Dumka, Hazaribagh, Chaibasa, Jamshedpur and Dhanbad.

The conditions of the juveniles are deplorable. According to the Human Rights Committee formed by the Jharkhand High Court, the living condition of inmates of the Deoghar Remand Home for girls was "extremely deplorable and inhuman." There were 85 juveniles against the sanctioned capacity of 50 as on May 2005 and they were provided only rice and jaggery as food. There were at least 500 juveniles languishing in observation homes in the state including 200 (190 males and 10 females) in Ranchi observation home and 153 (148 males and 5 females) in Jamshedpur as on September 2005.<sup>124</sup>

### **Women's Rights**

Women should have the same rights as men, no matter where they live. Yet the world leaders who decide these things balk at the idea, as though female emancipation - and human rights generally - are such outlandish demands that they can be granted only when everything else is in place.

Women, the world over suffer countless violations and humiliations, almost everyday, throughout their lives. The cycle of violence begins when a girl is conceived, before she is even born. Pre-natal sex selection has become such a problem that the Indian government has banned sex determination tests. But ultra-sound and abortion clinics geared towards sex-selection are found abound. The cycle of violence continues after birth with poor post-natal care and deliberate female infanticide leading to warped sex ratios in India. The 2001 census found that in urban India there are 941 women to every 1000 men. Girls and women in India, and around the world, face sexual harassment, abuse, rape, trafficking, forced prostitution, dowry-related violence and death, marital rape and domestic violence. They have become so accustomed to the sufferings that most of them now acknowledge it as a destined part of their lives.

After decades of suppression, has the fairer sex made an inroad towards equality, and can walk together with her male counterpart? Let us analyze and get a clear picture of their status in, if not the whole world or the country, at least in the state of Jharkhand by taking into account their sex ratio, health status and the innumerable kinds of crimes committed against them.

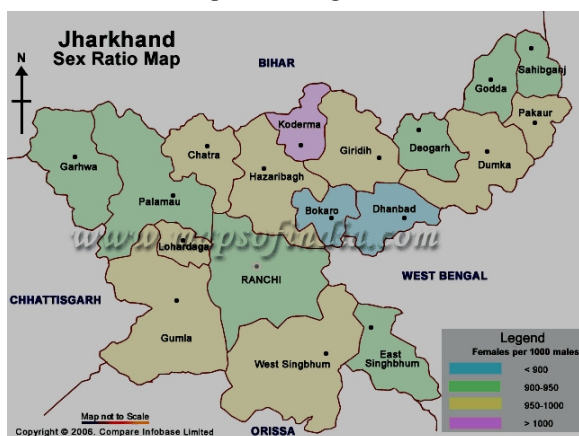
### **Suppression of the tribal woman in the early ages**

In the early days, the Adivasi women in the Chotanagpur area of Jharkhand could not inherit land in tribal societies, and restrictions were imposed on sexual behaviour too. Colonial intervention introduced private property and the colonial administration also took away a large part of the tribal land. Since women were primarily responsible for collecting useful things from the forest for the household, the distancing of the forest resources directly affected them. In the eventuality of "land alienation, restrictions on the use of forest resources and the absence of remunerative employment", migration as an option opened up in the areas around Assam and Bengal in tea gardens and mines run by the British. Migration for work in tea plantations and mines led to their further marginalisation because women had to live in bad conditions, and were often sexually harassed. To deal with hardships, many Santhal

women even took to prostitution. The situation now has not improved much. We will, here, detail their various rights and the violations faced by them in the present scenario.

### Urban Jharkhand has a lower sex ratio than the rural Jharkhand

The sex ratio in the state is 941(urban 870 and rural 962). As is evident from the sex ratio of India as a whole (933), the state of Jharkhand seems to be better off.<sup>125</sup> But when we compare the urban and the rural sex ratios, the result is quite astounding. It is quite ironical that inspite of greater literacy the urban areas have a lower sex ratio. One of the major reasons for this is that due to higher educational standards there is greater awareness of the services which identify the sex of the foetus and help in aborting it.



Sex Ratio map of Jharkhand

This map details the sex ratio in the various districts of Jharkhand. While the district of Dhanbad has the lowest sex ratio of 874, the district of Koderma has the highest of 1001.<sup>126</sup>

### Decline in the enrollment of girls in school

The literacy rate in Jharkhand is 53.6. Male literacy rate is 67.3 % whereas female literacy rate is 38.9 %. There is a gender gap of 28.4 %.<sup>127</sup> For the tribals education is secondary due to economic backwardness. Girls are mainly kept out of schools as they look after siblings and take animals for grazing. For the schedule castes too in this area education is secondary, the intention would be not to make them self reliant, but to get a desirable groom. The required motivation and effort to be literate also lacks as the education imparted is not linked to the development of income earning skills. The female literacy rate is the highest in Purbi Singhbhum that is 57.95 and the lowest in Garhwa that is 22.91.<sup>128</sup> Although the ratio of girls to boys enrolled in school for India has shown an

upward trend, from 0.77 in 2001-02 to 0.80 in 2002-03 that in Jharkhand has decreased from .70 to .60.<sup>129</sup> Below is given a stage wise percentage of enrollment of girls in the state.

	1993		2002	
	Total	Rural	Total	Rural
Primary Stage	38.33	36.5	44.27	43.57
Upper Primary Stage	33.48	28.44	40.09	37.30
Secondary Stage	29.40	23.50	36.43	31.10
Higher Secondary Stage*	27.71	21.62	34.80	26.01
All Stages (I-XII)*	36.28	34.40	42.55	41.87

\*This includes enrolment of classes XI and XII attached to degree colleges  
**Percentage of enrollment of girls in the state**

The statistics show that the rate of enrollment of girls in rural areas has increased over the years but it still remains at a low, below 50%.

### Almost 80% of women suffer from anaemia<sup>130</sup>

The women in the state face severe health problems. They mostly suffer from anaemia. Almost 80% women suffer from lack of nutrition.<sup>131</sup> A vicious cycle of malnutrition exists. Due to lack of proper diet, children are anemic. Then not proper prenatal care and hard work in the fields leads to malnourished teenagers. Marriage at young age and early pregnancy also lead to malnutrition in pregnant women. Low weight and malnourished babies are born to malnutrition mothers. Girls get the least amount of food, they eat the least and at last due to constant malnutrition their physical and mental growth is stunted. Girl child is not breast-fed for long. Longing for a boy leads to frequent pregnancy and thus lesser chance for girls to get breast-feeding, thus they have lesser resistance to diseases. And the cycle continues.

In some villages, the awareness about birth control and immunization is also very less as neither the government nor the NGO's have reached them. Where they are aware of family planning measures they did not practice it because they consider oral pills not suitable for health. Besides the decision is always that of the head of the family.

The impact of development projects such as mega dams, uranium and open cast (coal) mining etc. on the health of women in the state is also very grave. Exposure to pollution

from uranium mining in the Jaduguda area in Jharkhand, for example, has resulted in a peculiar problem of infertility among women, premature delivery and birth of disabled children.<sup>132</sup>

### **Tribal women have no property rights**

The socio-economic status of women in India is stated as 54.16% and that of Jharkhand is 39.38%.<sup>133</sup> This is relatively very low.

As far as tribal women were concerned, they are socially better off, as they do not have social evils like dowry system. Tribal society here is popularly recognized as not being very gender iniquitous. Women freely visit markets to sell and carry out the agricultural work but there is a taboo on women raising nurseries. The lack of land entitlement and rights has further jeopardized the food & nutrition security of the tribal woman. Though the traditional tribal culture gives more freedom and liberty to the women folk but the economic power still lies in the hands of male. Women have no rights to inherit ancestral property or any part of it. Women get married at an early age of 12-16 years, as late marriage does not fetch them good proposals. Unlike many, Santhali women do not wait for the husbands for having meals. They are very industrious, and in times of need, they also work in brick kilns to earn 50-60 rupees. The gravest problem is lack of awareness. Non-exposure to town areas and mass media has made the situation worse.

The Schedule Caste women are not allowed to go out to work. They are economically a little better off compared to the tribal women. Caste discrimination exists. Desire for a son is very strong among them. The predominant problem for them is that of dowry. This is the only reason why girls are not desired and there is a craving for the boy child. A heavy price of 20,000 - 50,000 rupees is given to the groom as tilak. If not given, marriage does not take place.

Apart from the forced involuntary displacements caused by large projects, several lakhs of Jharkhandis have migrated to the tea plantations in Darjeeling and Assam. Several thousands, especially young women, are migrating to large cities and towns. About two lakh Adivasi young women from Jharkhand, Orissa and West Bengal are presently working as house-maids in middle-class homes: 61,000 in Delhi, 42,000 in Kolkata, 36,000 in Mumbai, 13,000 in Bangalore, 26,000 in Goa.<sup>134</sup>

### **Witch hunting on an increase in the state**

Jharkhand stands 17<sup>th</sup> among states for crimes against women. 2,544 cases of violence against women in the state during 2005, including 753 rape cases, 293 molestation cases, 283 kidnapping cases and 257 dowry deaths were recorded.<sup>135</sup> Jharkhand reported an increase of about 33 % in the number of rapes in a span of five years.<sup>136</sup> Sahibganj and Jamtara are most unsafe districts for women, though improving, while Latehar and Chhatra are safest.<sup>137</sup> The following table gives a detail of the percentage of rape and molestations which occurred during 2001 and 2004 and the change as part of total crimes committed.

<b>District</b>	<b>2001</b>	<b>2004</b>	<b>2001-04</b>
Bokaro	3.20	3.28	0.02
Chaibasa	3.44	4.93	0.43
Chatra	1.34	0.48	-0.64
Deoghar	1.81	0.94	-0.48
Dhanbad	3.57	3.91	0.09
Dumka	4.33	4.56	0.05
Garhwa	0.63	1.27	0.99
Giridih	1.46	3.63	1.49
Godda	2.91	0.95	-0.67
Gumla	2.74	1.89	-0.31
Hazaribagh	2.28	2.29	0.00
Purbi Singhbhum	4.35	3.25	-0.25
Jamtara	5.71	5.06	-0.11
Koderma	3.30	2.68	-0.19
Latehar	1.05	2.63	1.50
Lohardagga	5.79	1.39	-0.76
Pakur	1.45	1.54	0.06
Palamu	1.51	1.74	0.16
Ranchi	1.56	3.25	1.08
Sahebganj	6.37	6.03	-0.05
Saraikeela	5.35	2.43	-0.55
Simdega	4.86	0.71	-0.85

### **%age of rape & molestations as a part of total crimes in 2001-2004**

Source : Crime in India respective Years, NCRB



The change the proportions of the girls from various states is directly related to the purpose of trafficking and reflection of cultural factors of the source states which make them vulnerable for trafficking. While the maximum number of women put into coerced marriage are those from Assam and West Bengal, maximum number of girls and women trafficked for domestic work, bonded labours like condition and slavery including sexual one, are from Jharkhand, Bihar, Orrisa, M.P. & U.P. Due to shortage of women around Haryana and Punjab because of the practice of female foeticide, men from there buy girls from this region and the parents are forced to sell them due to increasing poverty. In most of the cases the girls are supposed to cohabit with more than one person and on refusal are slain brutally.<sup>138</sup>

Women continued to be victims of sexual abuses in Jharkhand. The total number of reported rapes per population was second to just Assam. 797 in 28.4 mn.<sup>139</sup>

Several issues such as domestic violence, atrocities in the name of witchcraft (daain pratha), property disputes, dowry-related harassment, eve-teasing, polygamy, desertion by husbands, sexual exploitation, inadequate mechanisms for compensation and alimony need urgent attention in the state of Jharkhand.<sup>140</sup>

## डायन प्रथा उन्मूलन अधिनियम -1999



Cartoon depicting Act against witchcraft

Witchcraft is another source of women's exploitation in Jharkhand as its victims are always women. This has been also banned by formulation of special law against witchcraft but practically it is running as usual.

There are scores of women who have been branded witch by villagers and tortured. Many were killed, sometimes by beheading or dismembering their limbs. Many are forced to drink urine or consume human excreta. Some are ostracised and thrown out of their villages. 190 witch killings were reported in the past five years and the conviction rate is at a low of 15%.<sup>141</sup> The Prevention of Witch Practices Act was formulated in 1999 to curb the menace, but in most of the cases the witch doctors go scot-free.

The facts and the cases illustrated more or less depicts the deplorable plight of women in the State. Can we then still consider our women to be equals, inspite of a plethora of legislations brought in to raise there status. It's a shame that the practicalities of the situation give us a picture quite conflicting.

### Tribals of the State

The tribal population in the state is around 28%. Jharkhand state has been a home to a variety of tribal communities and has 32 tribal groups out of which 9 are primitive. These tribes

### ***Rape of a young woman who was subsequently sold in a public auction on 20<sup>th</sup> August 2005 in Chirgaon village, Latehar District, Jharkhand for six rupees***

Piary, a tribal woman was sexually abused by four people from her village Chirgaon over the past year. As a result of this Piary soon had a child and demanded that the four villagers accountable for her predicament take responsibility for her child. The village heads first decided that the perpetrators should pay some money to Piary, but when she rejected this, they then decided to auction Piary and her child off. Piary and her daughter were auctioned off to Somarji with the approval of the villagers who also celebrated this event. An organisation working with tribal women informed the police of this gross violation. However, in the raid that followed all the perpetrators involved in this crime managed to evade the police. It is alleged, according to an update in the news the next day that a young man seeing Piary's plight agreed to marry her and adopt her daughter. This apparently met with everyone's approval.

- India Human Rights report, 2007, ACHR

are Munda, Santhal, Oraon, Gond, Kol, Kanwar, Savar, Asur, Baiga, Banjara, Bathudi, Bedia, Binjhia, Birhor, Birjia, Chero, Chick-Baraik, Gorait, Ho, Karmali, Kharwar, Khond, Kisan, Kora, Korwa, Lohra, Mahli, Mal-Paharia, Parhaiya, Sauria-Paharia and Bhumij. More than 60% of the tribals live below the poverty line. The average literacy rate is 54.13% in Jharkhand, but among tribals, particularly among the female, literacy rate is as low as 10%. The sex ratio in the tribal groups is 812, which is far below than the national average of 940 females. ST literacy rate (1991 census) for male is 26.8 and for female 14.8. Gross enrollment ratio (1997-98) Class 1-5 is 81.7 and Class for 5-8 is 30.4. Drop out rates (1993) Class-1-8 is 85.5. Health related developmental indicators in the tribal population are very low.<sup>142</sup>



A tribal dance

According to government estimates, around 23.22 lakh families in the rural areas live below the poverty line in Jharkhand, out of which 8.79 lakh belong to STs. The total number of STs below poverty line in India is 44.45% and that in Jharkhand is 60.62%.<sup>143</sup>

### Decreasing tribal population in Jharkhand

While Jharkhand or the land of forests was initially visualised as a homeland for tribals, an overwhelming majority in Jharkhand today consists of non-tribals. The non-tribals constituted roughly 73 per cent of the region's population in 1991 and the figure, by all accounts, has swollen further.<sup>144</sup>

Jharkhand, clearly, is no longer the home of tribals. The tribal population is in a majority in just about 68 blocks out of the 211 and both politics and economics of the region have undergone a sea change.<sup>145</sup>

Tribals, in other words, have been effectively marginalised. This would have happened partly because of migration of

tribals from the region. While “educated” tribals joined all India services or sought jobs in other regions, the poorer, often unlettered tribals, have been leaving the region in a steady stream for over a hundred years, in search of manual work.

But a stronger factor probably is the large-scale influx of non-tribals into the region. Shopkeepers, transporters, contractors and even bus and auto-rickshaw drivers are predominantly non-tribals. There has been a steady decrease in the Tribal population of Jharkhand to the extent that they have become a minority in their own homeland.

### Encroachment on the Tribal Lands

Under British rule, the alienation of land of tribals was recognised as exploitative and destructive of their culture and life. This led to enactment of statutes barring sale of immovable property of tribals without the sanction of the Commissioner. Later, the land holdings of tribal communities were also protected under the Constitution of India, 1950. However, there are exceptions to the above which enable the state to acquire land for public purposes. These exceptions have led to acquisition of thousands of acres of land for construction of heavy industries, establishing coal-mines, industrial areas, urban housing colonies, irrigation projects, etc. The result has been what can fairly be described as a tragedy of the tribals. The loss of the land has deprived them of an essential part of their identity and left them struggling with alien institutions. The tribals have been displaced. They



Tribal women armed with sickles protesting against the alleged attempts by the Central and Jharkhand Governments to usurp their lands in Pakur

have lost their home, habitat and culture and also their social fabric, which has broken down. Development has brought an influx of outsiders, alien cultures and inter-cultural tensions. Their plight calls out for urgent action.

The vast majority of coal mining in India is currently performed by state-owned companies. But to break the public monopoly, the government introduced legislative changes allowing for private mining. As many as 143 blocks were identified for allotment with total estimated reserves of 30 billion tones. An early casualty of this neo-liberalisation threatens to be Adivasi (Tribal) land holders in the indigenous state of Jharkand (formerly part of Bihar).

The total number of tribals displaced in Jharkhand from 1991 to 1995 was 620372.<sup>146</sup>

Despite various laws prohibiting transfer of tribal lands to non-tribals, alienation of the tribals' lands continued unabated. In 2005, the government of Jharkhand identified 1500 tribals in Ranchi who had lost their land to outsiders and decided to give back physical possession of their land under an action plan drawn up by the land revenue department. But the non-tribals encroached upon the tribal lands and harassed them by filing false cases with the police.

#### **Tribals- Victim of the Mafia as well as the State**

There were 483 cases of atrocities against the tribals in the state, which amounted to 8.5% of all the crimes against the tribals in India during 2005. By the end of 2005, 291 cases of atrocities against the tribals were pending investigation by the police and 442 cases were pending trial by the court. The rate of conviction for the crimes against the tribals in the state during 2005 was only 22.9%.<sup>147</sup>

Tribals face false prosecution because of the connivance of the mafia and the police and the forest officials. On 8th June 2005, the timber mafia in alleged connivance with the forest officials attacked and burnt the houses of Agaria tribe at Kumba Kurd village under Nagar Untari police station limits of Garhwa district in Jharkhand after the tribals opposed the activities of the timber mafia. One eight-month-old baby was reportedly burnt alive and 140 huts of the Agaria tribe were burnt to ashes. A case was lodged with Nagar Untari police station against 23 persons including 13 forest officials. On the other hand, the forest department lodged an FIR against the Agaria tribals on the basis of which the police swiftly arrested eight Agaria tribal villagers. But the police refused to take action against the accused forest officials.<sup>148</sup>

Ostensibly, the new State was created for the welfare of the indigenous population. But this political process has been hijacked by vested interests. Political parties that were opposed to the creation of Jharkhand are now ruling the State. Contravening the constitutional provision under Schedule V, the State government has entered into several MoUs for mining operations (for four steel plants and six coal mines) without the real stakeholders, the Adivasis, having a say in the matter. There are land and forest rights granted to them under various Acts and laws, many of them enacted during the colonial period. They are unaware of these provisions, or do not have a full understanding. There are also contradictions among the various laws. They are often the victims of prolonged land disputes and litigation, and are forced to spend hard-earned money on fighting these cases to protect their rights. To preserve the unique cultural identity of the region and restore to the Adivasis their rights the time to act is now.

#### **Dalit Rights (Other than the Rights of the Tribals)**

The word Dalit has been defined differently by different people. Normally non-Dalit writers and intellectuals have invented its root in Sanskrit and considered its meaning as broken, crack, split and as adjective they have given this word the meanings of burst, split, broken or torn asunder, downtrodden, scattered, crushed, destroyed etc. But for the Dalits meaning of this word is qualitatively different. The word was popularised by the Dalit Panther Movement, when they adopted this term as an act of confident assertion, rejecting Mahatama Gandhi's nomenclature of Harijan, children of God. Dalit Panthers defined this word in their 1972 manifesto as: "A member of Scheduled Castes and Tribes, neo-Buddhist, the working-people, the land-less and poor peasants, women, and all those who are being exploited politically, economically, and in the name of religion."

Around 23.22 lakh families in the rural areas of Jharkhand live below the poverty line, out of which 3.91 lakh belong to SCs.<sup>149</sup> The dalits in Jharkhand are more vulnerable than the tribals of the area. The tribals are protected by the Chotanagpur Tenancy Act and the Santhal Pargana Tenancy Act. They are also protected under the Fifth Schedule, which upholds their constitutional rights. But the dalits in Jharkhand are not protected by any of these provisions.

The percentage of total expenditure spent on the welfare of the SCs and the STs by the Jharkhand Government was 3.56

in the year 2001-02 and 5.11 in the year 2004-05.<sup>150</sup> The incidence of crimes against the SCs and the STs during 2003 and 2004 was 184 and 249, respectively. There was an increase of 35.33% in the crimes against them.<sup>151</sup>

### **Hindu activists massacre Dalit Christians in Jharkhand**

**February 17, 2007**

A dozen Dalits, including six members of a Christian family, are feared dead after Hindu militants attacked them as part of a violent campaign against Christians in Jharkhand on 28 August 2006. The Global Council of Indian Christians (GCIC), a major advocacy group, said six persons belonging to a Dalit Christian family were killed on a riverbank near Shivbigha village located in Palamau district of Jharkhand on 28 August 2006. Militant Lalan Paswan of a nearby village along with his accomplices stormed the house of Ram Dinesh and captured all the seven family members, including four children. GCIC, which has close contacts with local Christians in the region, said the militants accused the family of practicing voodoo and dragged them to the bank of the Sone River where they disappeared. Ram Dinesh, the only survivor, is undergoing treatment in a local hospital. More details about the victims are yet to be made available.

#### **-Christian Persecution**

### **Rights of the Minorities**

In many areas of Gujarat, Rajasthan, Madhya Pradesh, Chhatisgarh, Jharkhand and Orissa, the Sangh Parivar

distributed pamphlets which called for the "elimination of the Christians and Muslim communities" from the region. The hate campaign was aimed at turning the tribals against Christians and Muslims. In Jharkhand, the hate literatures were specially targeted at the Sarana-speaking communities, generating a strong apprehension and unease. The Special Branch police of Ranchi had informed the Jharkhand Government about the circulation of such literatures.



The Christians at a meeting in the state

Taking cognizance of the alleged atrocities against Christians in the constituency of Jharkhand chief minister, the National Human Rights Commission has asked the district authorities to submit a detailed report on the issue within four weeks. The NHRC had taken cognizance of a complaint filed by the Christian Community Welfare Council of India on January 23 about the physical assault of Krishna Koda and his mother at Kasira Village, Jagannathpur, home constituency of Jharkhand chief minister Madhu Koda. In the council's complaint to the NHRC it was alleged that non-Christian tribals were torturing Krishna and his family, and were denying them access to the public well and village pond.<sup>152</sup>

## Other problems plaguing the State

### Naxalism: Strengthening its roots and spreading its branches

The Naxalite movement continues to persist in terms of spatial spread, intensity of violence, militarisation and consolidation, ominous linkages with subversive/secessionist groups and increased efforts to elicit mass support. The naxalites operate in vacuum created by absence of administrative and political institutions, espouse the local demands and take advantage of the disenchantment prevalent among the exploited segments of the population and seek to offer an alternative system of governance which promises emancipation of these segments from the clutches of 'exploiter' classes through the barrel of a gun.



Naxalite affected areas

Jharkhand, where Maoists are active in 18 out of 22 districts, ranked second for the number of fatalities caused by the naxals in 2004, with 150 deaths as against 117 in 2003.<sup>153</sup> The unification of Naxalite groups, largely interpreted as the beginning of a new phase in Naxalite movement in India, has also been influenced by the perceived success of Maoism in Nepal and activities of several front organizations in the last few years. Contrary to popular belief that the creation of the separate State of Jharkhand in November 2000 would result in a decline in violence, there has been an upsurge in Naxalite activities in these two States. With the bifurcation of Bihar, a number of affected districts in South Bihar went over to Jharkhand, and it was expected that the Naxalite groups will suffer a setback in the remaining areas. The succeeding years, however, have not only witnessed a consolidation of extremists in their strongholds, but a further expansion into

newer areas. Indeed, it seems that the creation of Jharkhand has helped the Naxalites consolidate their roots in the region. At present, the worst affected districts are: Chatra, Palamu, Garhwa, Giridih, Latehar, Gumla, Ranchi, Hazaribagh, Lohardaga and Bokaro.<sup>154</sup> Jharkhand, with a dense forest cover over large parts of the State, offers favorable terrain for the Naxalites to operate and build their bases. The Naxalites have also consolidated their presence in areas bordering Orissa and West Bengal and have been responsible, to a substantial measure, for escalation of Naxalite violence in the neighbouring States. Taking advantage of poor coordination among law enforcement agencies between two States, the Naxalites commit crime in one State and slip into the borders of neighbouring States. Moreover while the successive governments rely heavily on police operations to neutralize the armed groups, proper attention is not paid to its reinforcement. The police operations have suffered due to lack of adequate and appropriate equipment - including basics such as automatic weapons, landmine detectors, transport and communications, a proper intelligence network at the grassroots level, and better protection to police officers and personnel in the Naxalite affected areas. Therefore, it is not surprising that despite large-scale arrests under the POT, the government was not able to contain the violence.

State	2001	2002	2003	2004
Jharkhand	200	157	117	150
Bihar	111	117	127	155

### Annual Fatalities in Naxalite violence in Bihar and Jharkhand

Source: Annual Report 2003-04, Ministry of Home Affairs, Government of India

The Maoists killed at least one legislator and one panchayat secretary in 2005. Three suspected Maoists allegedly killed Mahendra Prasad Singh, Communist Party of India-Marxist Leninist (CPI-ML) legislator from Bagodar while he was talking to some physically challenged persons at Durgi Dhowaiya village in Giridih district on 16 January 2005. A panchayat secretary was killed and three others were injured when alleged Maoists opened fire at the Kanker Collector SK Raju's carcade while they were returning from Koileebara on 11 November 2005. The massacre of 15 civilians and injury of six others at Bhelbadari village in the Giridih district of

Jharkhand by the Naxalites was an act of sheer brutality. Over 100 armed Naxalites reportedly raided the village near Bhinwaghathi under Deuri police station on the 11<sup>th</sup> of September 2005 and indiscriminately attacked the villagers. Others who were killed by the Maoists during 2005 included six police personnel and a driver who were killed in a bomb blast by suspected Communist Party of India (Maoist) rebels on 3<sup>rd</sup> February 2005 while enforcing the Assembly polls boycott at Maraiya Bhalai village under Chattarpur police station limits in Palamau district, a constable on 7<sup>th</sup> February 2005 who was killed in an alleged Maoist-triggered landmine blast at Manatu area of Palamau district, two villagers identified as Hazibullah and Mohammad Quasim by alleged Maoists during a raid at Tarwadih village in Latehar on the night of 18 May 2005, and killing of a street vendor identified as Md. Neyaz at Mohanpur on 11<sup>th</sup> November 2005.<sup>155</sup>

The Maoists also continued to deliver Kangaroo justice through their “Peoples’ Court”, Jana Adalat. On 23<sup>rd</sup> July 2005, Maoists reportedly killed one John Hembrom, chopped off the hands of two other persons and an ear of another, all of them hailing from different villages in Giridih district, following their convictions in the Jana Adalat conducted by the Maoists somewhere in the adjoining Jamui district in Bihar.<sup>156</sup>

The train incident of 13/ 14 March 2006 was a display of a poor Naxalite effort. They held the 100 odd passengers of the train which was proceeding from Barwadih in Latehar District, to Gomoh in Dhanbad District, in absolute fear and discomfort and forced the passengers to brave the night in the thick jungles between the Heyagarha and Kamandih Railway Stations. It was the result of killing a Naxalite local commander, Jaganath Kiori, in a police encounter on 3rd March, which took place in the jungles of Palamu District, North of Latehar.<sup>157</sup>



Security personnel guard passengers in the captured train

Three villagers were killed by CPI (Maoist) ultras on suspicion of being police informers at Itkhor in Chatra district, on the 8<sup>th</sup> of October. Two persons were shot dead by Maoists at Richughuta village in Latehar district on the 26<sup>th</sup> of November.



Dead bodies of Jharkhand police

On the 2<sup>nd</sup> of December fourteen policemen were killed and three injured when Naxalites blew up the vehicle they were traveling in with an IED in a village near the steel city of Bokaro in Jharkhand. An assistant sub-inspector, two havaldars and 11 jawans of the Special Task Force were killed in the blast that afternoon in Kanchkir village, about 50 kms from Bokaro.<sup>158</sup> A second chapter was added to Singur's Naxalite link on the 10<sup>th</sup> of December when 25 armed rebels raided a Kharagpur-bound local train in Jharkhand shouting slogans against farmland acquisition for the Tata Motors factory. The attackers, who carried carbines and pistols, did not harm the passengers but robbed two Railway Protection Force jawans of their rifles, throwing one of them out of the train when he resisted.<sup>159</sup> At least 10 persons were killed in Jharkhand during the third quarter of 2006 i.e. July to September 2006.<sup>160</sup>

Despite a good monsoon, farmers in Jharkhand refused to till their land due to fear of Maoists who warned them against cultivation. The result is that around 10,000 acres of cultivable land is lying fallow in the state. Maoists of the banned Communist Party of India-Maoist (CPI-Maoist) say that the land belongs to the poor and hope to redistribute it soon to the poor and needy. The CPI-Maoist put black flags on thousands of acres of land in different parts of the state before the monsoon and decreed against farming activity there. The worst affected districts are Palamau, Hazaribagh and Chatra. Maoist rebels threatened the land owners to face their wrath if they dared to plough the fields.<sup>161</sup>

The recent killing of 14 policemen in a landmine explosion in Bokaro forced the Centre to rush a helicopter for immediate evacuation of the injured policemen and despatched a team of NSG to examine the blast site. According to a security expert, naxal-affected Jharkhand and Chhattisgarh taken together witnessed more bomb blasts in 2006 than militancy-hit Jammu and Kashmir. Compared to 78 IED blasts in Jammu and Kashmir in 2006, a total of 91 explosions took place in the naxal-affected areas of the two states.<sup>162</sup>

With 18 of the 22 districts in Jharkhand affected by Naxalite problem, violence by the ultras has become a major concern for both the State Government and the Centre. Jharkhand has a history of naxalite attacks, the latest being the brutal killing of JMM MP Sunil Mahato at Jamshedpur on Holi. The attack also left two of the lawmaker's bodyguards and Ghatsila block secretary of JMM Prabhakar Mahato dead. Two other bodyguards of the MP have been taken away by the Naxalites.



Dead body of Mr. Sunil Mahto

The new technique of the naxalites in Jharkhand is to indoctrinate kids, who would constitute cannon fodder for the revolution. Target them young is the new buzzword among the top brass of the Maoist extremists in Jharkhand these days. They have decided on roping in the kids by deep penetration into schools in the rural pockets of Jharkhand and indoctrination of revolutionary ideals in the young minds. The state intelligence department received reports from at least seven rural areas in the districts, where the Maoists have already distributed Naxalite literature and booklets with ultra-Left ideologies among the school students. Some

private schools in Hazaribagh and Dumka have also been targeted by the extremists to incorporate the Naxalite literature in their curriculum. Maoists are trying their level best to enstate their “Bal Dasta” or children's brigade with young tribal children of Jharkhand.<sup>163</sup>

### The Counter attack

The security forces of Jharkhand, which was part of erstwhile Bihar, soon after the creation of the state emulated the Bihar model for countering the Naxalites. The State police created Nagarik Suraksha Samiti (NSS), a counter insurgency group to confront the Peoples War Naxalites. The NSS have perpetrated a series of killings.

The members of the NSS were responsible for lynching to death about 13 alleged members of the Peoples War Naxalites at Longo in Dumuria block in East Singhbhum district between 7<sup>th</sup> and 22<sup>nd</sup> August 2003.<sup>164</sup> Prominent NSS members, police officers and Central Reserve Police Force officers posted in the village allegedly masterminded the lynching. The victims were allegedly administered drugs in the food and water served to them that made them drowsy. Police officials, along with NSS members, and some local villagers overpowered them and tied them up. The information was then transmitted to the district police headquarters, and after receiving approval of higher authorities, the alleged Naxalites were beaten to death between 5.30 am and 7 pm of 7<sup>th</sup> August 2003. A photographer, however, managed to take pictures of the victims with their hands and legs tied. The rope used in tying up the slain youth was found to be the one normally available with the police. The involvement of police became apparent as the district authorities immediately rushed to the village after the massacre to congratulate the villagers.

The conflict between the Naxalites and the counter-Naxalite groups led to the massacre of 15 civilians and injury of six others at Bhelbadari village in the Giridih district of Jharkhand by the Naxalites. Far from catching maoists, the cops harass one and all. 9 out of 10 times the cop's arrest people if they have stood up to oppression of the ruling elite of the village/town.

During July - September 2006, the security forces killed at least 7 alleged Naxalites in Jharkhand. All the killings have been dubbed as “encounter killings”. In the past, many such encounter killings have been found to be outright extrajudicial executions.<sup>165</sup>

## **Not once has the panchayati raj elections been held in the state since its inception**

The state of Jharkhand has not held elections to panchayats ever since it was carved out of the state of Bihar in 2000, even though regular holding of panchayat elections is mandated by the Constitution of India after the historic 73rd Amendment.

Panchayat elections have not been held in Jharkhand, so far, on account of the Jharkhand high court striking down the provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996 and the provisions of the Jharkhand Panchayati Raj Act 2001 relating to reservations for SCs, STs and OBCs on the 2<sup>nd</sup> September, 2005. The High Court held that excessive reservation in the matter of panchayat elections was unreasonable and struck down certain provisions of the Jharkhand Panchayat Raj Act and PESA Act as unconstitutional.<sup>166</sup>

The Institute of Social Sciences, New Delhi challenged the cancellation notification and moved the Supreme Court of India through a special leave petition for staying the judgment of the High Court as well as the cancellation notification and prayed for elections to be held without delay. However, the order of the court dated 30<sup>th</sup> September 2005 fell short of expectations as necessary directions to the government were missing. The apex court only issued notices to the state and central government to explain their position and did not issue any direction against arbitrary exercise of power by the Jharkhand government, which led to postponement of elections. The apex court ought to have taken a stricter view of the government's unconstitutional act and immediately ordered the holding of elections to panchayats in the state.

Jharkhand has lost huge development funds to the tune of Rs 480 crore, allotted by the Planning Commission, for its consistent failure to hold panchayat polls. The 12th Planning Commission had allotted the funds to Jharkhand to be spent over five years.<sup>167</sup>

### **Arsenic contaminated Water**

Water in Jharkhand is not only arsenic contaminated but people are also suffering from fluorosis, a crippling disease caused by drinking fluoride contaminated water. Ingestion of arsenic contaminated water with 300 mg/L for a prolonged period may cause arsenical skin lesions. Prolonged exposure to arsenic may result in malignancy of skin, liver, kidney, lungs and bladder. The cancer risk (lifetime risk of dying from

cancer) from exposure to more than 0.05 milligram arsenic per liter per day is 13/1,000. The permissible limit of arsenic in drinking water is 0.01 milligrams per liter (10 ppb).<sup>168</sup> 83 per cent of the samples tested in 17 villages of Shahibganj district of Jharkhand reported arsenic levels above 10 ppb.<sup>169</sup>

Coal mines in the region contains substantial levels of arsenic, which is leaching and contaminating the local water bodies and the Damodar River, the area's lifeline. The water from the river and its tributaries had arsenic content in the range of 0.2-2.0 milligrams per liter (mg/l) much above the World Health Organization's guideline of 0.01 mg/l. The same concentration of the poisonous substance is found in the water bodies located near the mining area.<sup>170</sup>



Disease caused by arsenic in water

Fluorosis is endemic in 17 states in India, on account of excess of fluoride in ground water, Jharkhand being one of them.<sup>171</sup> Since, in India, 80% of population is dependent on ground water for drinking purposes, the prevalence of dental fluorosis and skeletal fluorosis tends to be a significant problem. WHO guidelines for value of fluoride has been set at a maximum of 1.5 mg/liter in drinking water and is in favour of a lower limit of 0.5 mg/liter.<sup>172</sup> With 915 of the Jharkhand households depending on ground water, the tendency to acquire fluorosis has only increased.<sup>173</sup>

### **The Flourishing Opium Trade in Jharkhand**

The drought-stricken farmers of Jharkhand have found sympathisers in the Maoists who are actively helping them "improve" their economic condition while ensuring protection from the police. These farmers are now growing opium with the help of Maoist ultras in order to get an assured return for their produce. According to the police, opium is being widely grown in Chatra, Palamau and Hazaribagh districts.<sup>174</sup>



If you think violence was the only thing Naxalites are known for, visit Jharkhand to see "farmers" in comrades. Not wheat or rice, they cultivate opium. The involvement of Naxalites in opium farming was proved when a Chatra-based journalist with a vernacular daily, who had come out with a story on opium farming in his newspaper, had to appear in the kangaroo court (jan adalat) of the Maoists to ask for forgiveness. This journalist had to assure the Maoists that he would never (and never) come out with a report on opium farming.

According to police, opium is grown in Simaria block, Pathalgada, Barwadah, Giddor of Chatra district and Charhi and Ichak of Hazaribagh district. These areas are only the tip of the iceberg. It is possible that opium is being grown on a

large scale in other parts of the State. Jharkhand's farmers are easily lured into the business because the land is not fertile and the State faces a drought almost every year. The farmers get their share from the opium business while Maoists, who smuggle it to the drug peddlers, are paid hefty amounts. Police officials point out that opium cultivation has witnessed a surge in recent times after the State was carved out from Bihar in November 2000.<sup>175</sup>

Although opium cultivation is banned, it assures farmers the quickest returns. Opium grows in only 100 days, a kilogram of opium fetching up to Rs 25,000 to a farmer. Incidentally, a kilogram of opium can be grown in a mere 1000 sq ft land. The demand too is perpetual since the crop is banned.

# Conclusion and Recommendations

Amidst this paradox of abundant resources and poor economic scenario of the state, humanity seems to have died a natural death here. The vandalization of the basic concept of Human Rights in the state has led its people to believe in bare existence rather than enjoy the fruits of living.

Jharkhand is considered to be one of the most backward states in India. The state's machineries alone are unable to manage the whole developmental process and voluntary support seems obligatory. In spite of having humungous natural and human potential, it has a fairly low growth rate. It is indeed very sad for a state, so rich in its natural resources like coal, copper, bauxite, mica, iron ore and ceramics and possessing industries dealing in steel, aluminum, cement, chemicals, jute, sugar, electrical equipment and fertilizer to talk about underdevelopment. It should rather have given competition to the states like Punjab and Karnataka.

There exists a vicious cycle of underdevelopment and bedlam in Jharkhand which will continue to dog the state for years together, if quick and efficient action is not taken. This is also to be blamed for the growth of Naxalism in the state a product of anarchy, which in turn is giving birth to chaos and lawlessness. What else can be said, for naxalism was restricted to three districts seven years back and today their tentacles are firmly established in almost 18 districts of the state?

Naxal problems apart, there is a steep rise in law and order problem in the state. Corruption can be seen in every sphere of day-to-day life. Local "dons" are joining politics and common men are increasingly withdrawing their interest from it, resulting in the criminalization of politics. And so long as the caste and vote bank will continue to dominate the political scene, crime and corruption is what the state will produce in plenty. One cannot expect a vision and a mission for rapid economic progress, employment and a curb on naxalism from the government. Panchayat System is not seen as a tool for development, rather it is used as a source for politics. Till now Panchayat elections have not been held in Jharkhand. The society is sharply divided into religious and caste groups, which diverts their thought from the real issues of development to the false issues of caste and religion.

The underdeveloped state of Jharkhand makes it apparent that literacy rate is quite low in the state as compared to other states of India. The national literacy rate is 65.38% while that

of Jharkhand is 54.13%. Several educational programs are being run by the government but at most one finds dilapidated, half constructed schools, absentee or inefficient teachers or missing infrastructure. Since the quality of education is abjectly poor with no secured future, most of the students lose hope in studies and drop out.

Jharkhand presents an austere picture of health among the poor. Government hospitals are in sad state. 90% rural population depends upon quacks for medical services. 80% births in rural areas are at home by untrained "Dais" (birth attendants) increasing the chances of growth in child and mother mortality rates. Lack of easily communicable roads and conveyance facilities makes hospitals inaccessible even in the cases of emergency.

The health status of the tribal population in Jharkhand is poorer than the rest due to deficiency in sanitary conditions, personal hygiene, and health education. Tribal mothers have high rates of anemia, and girl children receive less than the desired nutritional intake. In fact the whole tribal community is deficient in adequate food intake. The extent of knowledge and practice of family planning is also found to be low among the Scheduled Tribes.

The condition of the disabled in the state is the worst. The government departments are unable to give proper treatment to all the disabled. These disabled are unaware of the rights and benefits provided to them under the disability act. Most of them are neglected in their family and become an object of ridicule in the society.

The urban areas present an ugly sight of waste management, making the residents prone to deadly diseases. The municipal corporation or the municipality wants to overcome these problems, but due to the limitations of control over their workers, fund paucity, corruption and half hearted approach the situation remains the same.

Though the sale of adivasi land to non-adivasis remains prohibited under the Schedule V of the Indian Constitution, it is common to find that adivasi lands have been transferred in the names of non-adivasis in the 14 scheduled areas of Jharkhand. Under Schedule V and VI of the Indian Constitution, it is the responsibility of the Indian State to protect the environment, economy and culture of the country's indigenous adivasi communities that form eight per

cent of the national population and who live within traditional ecosystems across the country. These constitutional rights have been maintained more in the breach than to the letter.

The Damodar Valley Project was initiated for industrial and urban development of eastern India. But what it actually achieved through the dams and power stations was to displace 100,000 cultivator families from their natural habitat with nothing more than a token compensation. With the nationalisation of the coal industry in 1972, the scale and cost of mining changed and its impact on the environment increased. By 2000, 206 mines had begun to function of which 140 are open cast mines accounting for 80 per cent of the coal production in Jharkhand. A huge human cost was paid for uprooting the traditional cultivators and for the massive state-sponsored ecocide that began with the command of the coal belt over the economics and politics of the state. Damodar, the life-thread of Jharkhand, continues to get polluted by coal washeries and power stations. Over 150 kilometers through the coal belt, the Damodar River is absolutely bereft of fish.

There is no dearth of development but only at the cost of the people there. Industries displace them, dams drown them, and afforestation starves them. The natives of the internal colonies are not only the victims of underdevelopment but also of development as well in Central India, as this development does not mean the development of the people there but their displacement and replacement by the colonies of developed people, the clever people, the politically connected people coming from the developed areas. So, between development and non-development, the choice for the people of Jharkhand is like between the frying pan and the fire. Underdevelopment means languishing death. Development means extinction.

32 different tribes are left in Jharkhand as per the new survey. Most of them lead a life of penury, their literacy rate being well below the mark and a target to various diseases. Due to their abject state of life most of them prefer to migrate from the state and end up becoming domestic servants or daily wage labourers or get trapped in trafficking. The current situation is such that the adivasis now constitute only 26 per cent of Jharkhand's population, with four million of them having migrated from Jharkhand as wage labourers. They have been replaced by an equal number of non-adivasis from Bihar and Uttar Pradesh who came to Jharkhand all within the 30-year span from 1970 to 2000. There is this growing feeling among the adivasis of Jharkhand that in this newly created

state, given to them only in name, they stand at the crossroads. There has not been a conscious enough effort to improve their status, when the state itself was carved out for their sole benefit. The struggle for the emergence of Jharkhand was fought and led entirely by the adivasis. Yet, now that statehood has been achieved these very adivasis have been marginalised, oppressed, humiliated and in other words, told to mind their own business in their own way.

Consistent attempts have been made to destroy the culture of the Jharkhand people in general and tribals in particular. Collective culture is being destroyed and so is the concept of community ownership. To disarm the people, the Bihar Government issued an ordinance banning the possession of bows and arrows by the tribals, which are part of their life and at the same time, lifted prohibition and started liquor shops in the tribal areas. There were clashes and resistance from the tribal people and the Government swearing in the name of Gandhiji provided armed forces to protect the wine shops. The ulterior motive behind it being that no colony can be kept under subjugation for long if the character of the people in the colony is not spoiled.

The dalits in Jharkhand are more vulnerable than the tribals of the area. The tribals are protected by the Chotanagpur Tenancy Act and the Santhal Pargana Tenancy Act. They are also protected under the Fifth Schedule, which upholds their constitutional rights. But the dalits in Jharkhand are not protected by any of these provisions.

The condition of the women and children is equally pathetic. The adivasi woman, who was once an equal decision-maker in her society, has now been reduced to a coolie in the labour market. No legal action has been taken against the 82 cases of rape of adivasi women by non-adivasis in 2000, till date. 61 per cent women in Jharkhand were married off before 18. In Jharkhand, a total of 30 per cent women suffer at the hands of their husbands. About 40.8 per cent women in Jharkhand villages find the going tough as compared to 24.6 per cent in the urban areas. The path to gender equity in Jharkhand is still a long and arduous journey. Gender sensitization of the functionaries of different departments seems to be the first step in realizing these goals. In the tribal regions the people pushed to the wall by the development policies, take recourse to the all pervasive age old belief that all miseries are caused by evil spirits invoked by the witches, and helpless women become easy targets. Land hunger is the most common reason which turns families against each other.

Within India, Jharkhand is the richest area but inhabited by the poorest people. There is light everywhere. Industries and power plants are flourishing in all directions but just beyond an undelimited boundary live the people of the area in the villages where one cannot even get a lamp. Darkness in the midst of light is Jharkhand. And who are the worst sufferers? The people for whom the state was created. Is this the reason, why so many people struggled so hard for years together, shedding their blood and sacrificing their lives?

### Recommendations:

- Quick action should be taken to put an end to the vicious cycle of underdevelopment and bedlam in Jharkhand which is to be mainly blamed for the growth of Naxalism in the state.
- The state should create a system of community policing in the naxalites infested areas. Right to information could also be used as an effective tool to demand information from the police.
- Though POTA was lifted in 2004, there are still a number of persons detained in the jails who had been booked under the act. The state should take effective measures in this regard and review the status of the prisoners.
- Panchayat System should be seen as a tool for development and thus elections for panchayat should be mandated as soon as possible. The Jharkhand Panchayati Raj Act 2001 should be bought in consonance with the spirit of 73<sup>rd</sup> and 74<sup>th</sup> amendments.
- Lok adalats must be set up in large numbers to remove the backlog of cases and ensure speedy and efficient justice.
- The underdeveloped state of Jharkhand is mostly due to low literacy level in the state. The educational programs run by the government should be properly implemented at the ground level. Proper inspection facilities should be made.
- Eliminating illiteracy should be the initial step of the government which will enhance development by increasing the number of skilled workers in the workforce on the one hand and rise in the status of living of its citizens on the other. There is also a need

of introducing more vocational studies in the education system.

- The mid day meal scheme should be effectively implemented in the state for this very scheme has proved to be successful in the other states in acting as an inducement for the students to go to school.
- The condition of health infrastructure is no better than that of education. Lack of easily communicable roads and conveyance facilities makes matters worse resulting in the dependence of the rural population on the quacks and the untrained “Dais” (birth attendants) which increases the infant and mother mortality rate. To make the state healthy one needs to concentrate on giving the best health facilities to its people at the lowest cost.
- There is a need for more concentration on the primary health centers for the majority of the population in the state depends on them.
- Since most of the health programmes in the state are centrally sponsored programme, better monitoring and evaluation strategies is needed in order to ensure proper implementation and access to people.
- But prevention is always said to be better than cure. Thus efforts should be made to improve the sanitary conditions and personal hygiene of its people. Health education is also an important means to curb fatal diseases.
- There is a need of raising awareness on family planning issues, especially among the Scheduled Tribes.
- There is an urgent need to have an effective system of waste management in the cities which prevent the residents from contracting deadly diseases.
- There is an urgent need to ensure food security in Jharkhand and that too at a massive scale. Cooperative movement in Jharkhand has been very weak while it can effectively responsibility of implementing various government schemes.
- Enormous efforts needs to be put in to improving the standard of life of the state and end up becoming domestic servants or daily wage labourers or get trapped in trafficking.

- The concept of industrialization form of development should not be followed in Jharkhand for this mode has further alienated the tribals from the socio- economic processes and the institutions of governance. More attention needs to be paid to the tribal dominated districts for changing the development scenario in the state.
- Children are the niche on which our society has to be sustained in the coming days. Thus the primary objective of the government should be to make them able enough to withstand the turbulence in their lives ahead. The state should guarantee them proper education and work towards the eradication of child labour.
- The state needs to make immediate efforts towards the upliftment of the status of women in the state for they seem to be the worse lot. Gender sensitization of the functionaries of different departments seems to be the first step in realizing these goals. Compulsory education for girls and a ban on child marriage needs to be focused upon to solve most of their problems.
- Efforts to destroy the collective culture and the concept of community ownership of the tribals should not be made for the state was carved to conserve the very same.
- Special provisions need to be made for the dalits of the area who are even more vulnerable than the tribals who are at least protected by some enactments in their favour.
- Effective convergence of services of the various departments and the increased role of NGOs in the development process should be encouraged.
- Community and civil society participation should be encouraged in fields like maintaining public works, improving the environment and looking after the vulnerable sections of the society.

### **Need of a State Human Rights Commission**

Reports on the violation of Human Rights in the newly formed Jharkhand State come out with revolting regularity. A large number of such violations have been reported to the National Human Rights Commission (NHRC), which in the

absence of the State Human Rights Commission is too burdened to cope with the rising indices of complaints. As on record, NHRC receives as large as 65,000 cases per year. It is worth noting that Bihar and Jharkhand (combined) is the second among all States, next to Uttar Pradesh accounting for the largest number of violations.

The State is experiencing various types of violations including offences cognizable under Penal Law. It is almost impossible for the poor victims to seek redressal through the legal procedure, which is long drawn, cumbersome and expensive which the oppressed men cannot afford; nor can they find it easy to approach National Human Rights Commission (NHRC) in Delhi. You will appreciate that if the common people suffer and consequently become restive and frustrated, they will agitate and will thwart the plans for development and prosperity. The common men mostly tribals are still poor, illiterate and have none to address their problems and grievances. There is no channel available to them to seek redressal of their grievances and the violations of their basic human rights. Thus there is an urgent need of establishing a Human Right Commission in the state. The argument of it being a comparatively new state has also lost ground in the wake that Chhattisgarh, another newly created state, set up its Human Rights Commission within a year of its coming into existence.

The core of all the problems of underdevelopment of such a resourceful state is illiteracy and unemployment. For with the elimination of illiteracy, there would be no dearth of jobs and with the engagement of the majority in various kinds of productive employment, there would be an automatic decrease in the Naxalism as the main cause for it is poverty and unemployment. With the eradication of Naxalism in the state, there will be wide scale investment leading to increasing prosperity in the region which in turn would be an incentive to the people to stop supporting such movements. Moreover the key areas to be focused upon should be the quality of governance, institutions and delivery mechanisms and not monetary mechanisms. It is very necessary for the state that the fruits of economic development reach the lowest rung of the ladder and the vulnerable of the state live a prosperous and secure life for the overall development of the state. And, last but not the least the state should endeavour to establish its Human Rights Commission as soon as possible. Even though it has set up a committee for the addressal of human rights grievances, a commission as a statutory body would be more effective in dealing with them.











